

**Policy**  
**GOVERNING BOARD OF EDUCATION**  
**LICKING COUNTY ESC**

**PROGRAM**

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*Revised: March 8, 2016*

**MISSION OF THE EDUCATIONAL SERVICE CENTER**

The mission of the Licking County Educational Service Center is to provide an appropriate educational program and learning environment which will effectively meet the educational needs of its students and help its students accomplish educational outcomes which are significant, durable, and transferable.

Explanation of Key Words and Phrases

The following explanations are provided in order to facilitate a common understanding of the Mission Statement:

**....appropriate educational program**

The program will encompass the classroom, co-curricular, and extra-curricular activities specially designed for students whose needs are met through special education, vocational education, and academic education.

**....appropriate learning environment**

Facilities and grounds which are conducive to acquiring knowledge, attitudes, and skills because students and staff are physically and psychologically safe and focused on accomplishing clearly-defined objectives and goals.

**....meet the educational needs**

Such needs consist of those learnings that each person must have to function as a responsible, productive member of society and to make it possible for the person to realize personal goals.

**....students and citizens**

Students are those who are enrolled in a regular or special programs offered by the District, the ESC or through the Licking County vocational programs through C-Tec.

**....goals which are significant, durable, and transferable**

A significant educational goal is one in which the knowledge, skills, and/or attitudes that are acquired will affect how a person will live his/her life.

A durable educational goal is one in which the knowledge, skills, and/or attitudes that are acquired will be useful for much, if not all, of a person's lifetime.

A transferable educational goal is one in which the knowledge, skills, and/or attitudes that are acquired can be applied directly to another educational program, to the world of work, and/or to one's personal life.

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**119.01 Our Vision:**

The LCESC is a vital link for educational services making a difference together for all schools in Licking County.

**119.02 Our Mission:**

To provide leadership and service to meet the individual and collective needs of Licking County schools so that the quality of educational experiences for children is enhanced and improved.

**119.03 Our Beliefs:**

**We believe that**

- We act as role models and leaders for educational excellence by being well informed, highly skilled, experienced, thoughtful, and sensitive to human relations.
- We promote communication, encouragement, synergy, and cost effectiveness through cooperative and collaborative experiences.
- We foster the strengths of cooperative efforts in the county through cooperative and contracted programs.
- We encourage educational networking to link Licking County schools with the Ohio Department of Education by facilitating information dissemination, monitoring minimum standards, and implementing services required by the Ohio Revised Code.

Cross Ref.: Bylaws 0119

Adopted: May 12, 1981

Revised: November 9, 2004

### **STATEMENT OF PHILOSOPHY**

The Governing Board of Education believes that the purpose of education is to facilitate the development of the potential of each student in the schools of this ESC. In a free society, every individual has both the right and responsibility to make choices and decisions for themselves and for society. A prerequisite for every member of such a society in meeting those responsibilities is competence in the use of the rational thought processes needed to make intelligent, ethical choices and decisions. If our society, as originally conceived, is to survive and function effectively, its young people need to be prepared to exercise their rights and their responsibilities in ways that benefit them and the society.

The enculturation process in our society focuses on preparing the young to meet certain expectations and to avail themselves of opportunities to attain personal goals within that society. The school program, which should reflect the formal aspect of the enculturation process, needs, therefore, to focus on both the areas of societal expectations and personal opportunity available in our society.

With regard to societal expectations, people in this society are expected to be self-sufficient -- that is, to meet their own needs, to the extent they are able, in their own way and without inhibiting others' opportunity to do the same; and fulfill their responsibilities to contribute to the "common good" by actively participating in affairs affecting all members of society.

We believe, therefore, that the Licking County ESC Governing Board and staff, it is our responsibility to develop a high quality educational service organization dedicated to providing administrative, curricular, instructional, pupil personnel and professional development services to the schools of Licking County by the most efficient and economic means possible. These services are primarily designed to assist boards of education, administrators, teachers and other staff members of the local district so they may help each student develop into his/her best self and become a socially and economically productive member of our society. The Governing Board and staff believe that the thought and action process involved in taking intelligent, ethical action can be learned just as any other set of procedures can be learned, provided students are given consistent, appropriate opportunities to: see the procedures modeled, learn what the procedures are; practice using the procedures effectively, and apply the procedures to a variety of relevant situations.

The Statement of Philosophy of the ESC shall be a living document, which reflects the contributions of staff members as well as the attitude and direction of the Governing Board.

The quality of a public school program and the strength of the school system depend upon the public's understanding of the school programs, goals, and responsibilities. The ESC is committed to encouraging and facilitating such opportunities and to the applications of these processes to achieving the other educational goals associated with each District's mission.

A.C. 3301-35-01, 3301-37-01, 3301-35-02 (A)

Adopted: February 9, 1999  
Revised: April 12, 2011

**STATEMENT OF SPECIAL EDUCATION PHILOSOPHY**

The Governing Board of Education believes that the purpose of special education classes is to recognize each child as a unique individual, coming to us with varying aspirations, abilities, interests and needs. We respect the rights, privileges, and differences of each child and try to provide the finest education possible for each multiple-disabled school age child and disabled preschool services.

We attempt to provide participating district children with opportunities to develop socially, intellectually, emotionally and physically in addition to developing all of the basic learning skills. In a stimulating environment, we encourage critical thinking and appreciation for the exchange of ideas.

The Governing Board recognizes the different ethnic and cultural backgrounds and attempts to impart an awareness and respect for them to our children.

The Board believes that the school, working cooperatively and continuously with the home and community, is entrusted with the responsibility for the growth of every child. Together they must work to develop in each child a personal feeling of well-being and self worth if each child is to evolve into a well adjusted, contributing member of society.

Related References:	0119	Bylaws - Mission Statement
	2110	Statement of Philosophy
	2460	Special Education
	2460.01	Special Education Records

A.C. 3301-35-01, 3301-37-01, 3301-35-02 (A)

R.C. 3323.08

A.C. 3301-51-01 et seq.

Adopted: May 12, 1981

Revised: February 9, 1999

Revised: September 9, 2014

**PARENT AND FAMILY INVOLVEMENT**

The Governing 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 partnerships between the home and school with greater involvement of parents in the education of their children generally results in higher academic achievement, improved student behavior, and reduced absenteeism.

In accordance with statute and the State Board of Education Parent and Family Involvement Policy, the term "families" is used to include children's primary caregivers, who are not their biological parents, such as foster caregivers, grandparents, and other family members.

In cultivating partnerships with families and communities, the Board is committed to cultivating school environments that are welcoming, supportive and student-centered; to providing information to families to support the proper health, safety, and well being of their children; and to collaborating with constructive partnerships in the community.

The Superintendent will make available the Center's policies online as well as other accessible information including handbooks and annual reports showing progress with the Center's programs.

**Relations with Parents**

The Governing Board believes that it is the parents who have the ultimate responsibility for their children's behavior, including students who have reached the legal age of majority, but are still, for all purposes, under parental authority. During school hours, the Board, through its designated administrators, recognizes the responsibility to monitor students' behavior and, as with academic matters, the importance of cooperation between the school and the parents in matters relating to conduct.

For the benefit of that child, the Board believes that parents have a responsibility to encourage their child's career in school by:

- A. supporting the schools in requiring their child observe all school rules and regulations, and by accepting their own responsibility for their child's willful in-school behavior;
- B. sending their children to school with proper attention to his/her health, personal cleanliness, and dress;
- C. maintaining an active interest in their child's daily work and making it possible for him/her to complete assigned homework by providing a quiet place and suitable conditions for study.

R.C. 3313.472

Adopted: March 9, 1999

Revised: September 9, 2014

**SCHOOL IMPROVEMENT**

The Governing Board of Education supports the concept of School Continuous Improvement as established by the State Board of Education and will seek to create and/or maintain effective schools as defined by State guidelines. The Ohio Improvement Process (O.I.P.) is the Ohio Department of Education's (ODE) strategy for building the capacity of all Educational Service Centers (ESC) and schools to improve instructional practice and make and sustain significant improvement in student performance against grade-level benchmarks aligned with academic content standards for all students.

In addition to adoption of a Mission Statement and Educational Philosophy for the Center, the Governing Board shall create, as needed, policies which support the School Continuous Improvement Process. The Superintendent shall provide leadership through Center staff in the improvement process in the following areas:

- A. Data and the decision-making process
- B. Instruction and the learning process
- C. Community engagement process
- D. Resource management process
- E. Board development and governance process

The Improvement Process shall consist of the following areas:

- A. Use data to identify areas of greatest need
- B. Monitor and evaluate the effectiveness of the improvement process in changing instructional practice and impacting student performance

The Center shall utilize guidance, technical assistance, and resources provided by ODE as may be appropriate and available. In order to enhance school improvement, the Superintendent is authorized to waive any policy that has been enacted in order to comply with the following of the Federal statutes/regulations and to request waivers from these laws/regulations from the Superintendent of Public Instruction:

- Titles I, II, IV, VI, and part C of Title VII of the ESEA Act of 1965
- The Carl Perkins Vocational and Applied Technology Education Act
- The General Education Provisions Act
- Parts of Education Department General Administration Regulations

In requesting such waivers, the Superintendent is to abide by the procedures established by the State Department of Education.

R.C. 3301.0710, Goals 2000 – Educate America Act, The Ohio Improvement Process (OIP)

Adopted: January 12, 1999  
Revised: October 14, 2014

**EDUCATIONAL OUTCOME GOALS**

The Governing Board of Education believes that the mission of the participating districts in Licking County is being accomplished when there is valid evidence that its educational programs are making it possible for students to achieve one or more of the following educational targets, commensurate with their ability and potential.

- A. job skills for the workplace and the skills and attitudes to obtain further education and understanding of others, including but not limited to those with social and cultural characteristics different from his/her own and of those with mental or physical disabilities and the ability to engage in responsible personal and/or support relationships with those who are different from one's social or ethnic groups
- B. use of the knowledge, attitudes, and skills to contribute effectively to the decision-making processes of the political and other institutions of the community, State, country, and world
- C. use of the knowledge, habits, and attitudes that assure good personal and public health, both physical and mental
- D. the willingness and ability to apply ethical principles and values to his/her own life
- E. an understanding of his/her own worth, abilities, potentialities, and limitations
- F. enjoyment of the process of learning and commitment to continuous learning throughout one's lifetime
- G. the capacities for fulfilling satisfying and responsible roles in family life and understanding of and the ability to cope with change
- H. the educational goals specified in Individual Education Program Plans (IEP's)

Cross Ref: 2105 Mission Statement  
2110 Statement of Philosophy  
2111 Special Education Statement of Philosophy  
2120 School Improvement

A C. 3301-35-02  
Adopted: March 9, 1999  
Revised: October 14, 2014

**EDUCATIONAL PROCESS GOALS**

In order to achieve the educational goals for students, the Governing Board authorizes the County Superintendent (through appropriate staff) to assist in establishing goals through Continuous Improvement Planning (C.I.P.) which will encourage:

- A. instruction which bears a meaningful relationship to the present and future needs and/or interests of students;
- B. instruction that is aligned to the Common Core and Ohio academic content standards;
- C. specialized and individualized kinds of educational experiences to meet the different needs of students;
- D. an environment in which interaction among individual students and groups of students helps them learn how and when competition and cooperation are appropriate and productive in accomplishing goals;
- E. efficient and effective use of education data resources;
- F. continued professional growth of staff members;
- G. constructive cooperation with parents and community groups.

A.C. 3301-35-02

Cross Ref:   2105   Mission Statement  
              2110   Statement of Philosophy  
              2111   Special Education Statement of Philosophy  
              2120   School Improvement

Adopted: June 8, 1999  
Revised: October 14, 2014

**CURRICULUM DEVELOPMENT**

The Governing Board recognizes its responsibility for the quality of the educational program of its participating schools. To this end, the curriculum shall be developed, evaluated, and adapted on a continuing basis and in accordance with a plan for curriculum growth.

For purposes of this policy and consistent communication throughout the Districts, curriculum shall be defined as the plan for learning necessary to accomplish the educational goals of the District; the courses of study, subjects, classes, and organized activities provided by the participating schools.

The Governing Board directs that the curriculum of the Center provide instruction in courses required by statute and Ohio Department of Education regulations and shall be consistent with the Center's philosophy and goals. Further, the Superintendent shall provide an opportunity for parents to review the selection of textbooks and reading lists; instructional materials; and the academic curriculum of the Center.

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. provide for the use of phonics in the teaching of reading in grades K - 3;
- E. encourage students to utilize guidance and counseling services in their academic and career planning;
- F. prescribe instruction that is aligned with the Common Core;
- G. reflect the Ohio Academic Content Standards to ensure alignment between instruction and assessment.

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 Center's educational goals. The Board encourages, in the best interest of the Center, participation in programs of educational research. The Board directs the Superintendent to pursue State and Federal aid in support of the Center's innovative activities. The Superintendent shall make progress reports periodically.

R.C. 3301.07, 3301.79, 3313.21, 3313.212, 3313.60; 3313.602, 3313.843, 3315.07, 3317.023, 3317.11, 3319.02; A.C. 3301-99-0, 3301-35-02

Adopted: May 12, 1981

Revised: November 11, 2014

### **ADOPTION OF COURSES OF STUDY**

The Governing Board, in cooperation with the participating school districts in the County, shall make available a comprehensive instructional program to serve the educational needs of the students of the Center and school districts. The Board shall periodically adopt courses of study that define the key components of the Educational Service Center's curriculum and instruction.

The Superintendent shall recommend to the Board such courses of study as are deemed to be in the best interest of the students. Each course of study shall:

- A. align with learning and performance expectations;
- B. provide a scope and sequence of knowledge and skills to be learned;
- C. prescribe methods for assessment of student progress and the means of intervention;
- D. address the developmental needs of early childhood, middle childhood, and adolescent through young adult students;
- E. be guided by Ohio's State-adopted Common Core standards.

Each course of study is intended to provide a basic framework for instruction and learning. Within this framework, each teacher shall use the course of study in a manner best designed to meet the needs of the students for whom s/he is responsible.

Since one of the goals of the District and the Center is to prepare students to enter the world of work, the Board directs that each course of study include as part of its learning accomplishments that students can demonstrate their willingness and ability to be punctual, to be present at the learning site each day unless absent for a legitimate reason, and to complete assignments on time and as directed. Courses are to include recommendations to staff on how to instruct students on the importance of work ethics and how to include these learnings in the grades that students receive.

The LCESC shall assign a facilitator to lead regular curriculum and professional development meetings for a representative from each participating district.

R.C. 3301.07, 3313.60; A.C. 3301-35-02

Adopted: February 9, 1999

Revised: January 13, 2015

**COURSE GUIDES**

The ESC Governing Board recognizes that there may be a need from time to time to augment one or more segments of a course of study with a guide in order to better accomplish learning results with students. Districts may wish to develop their own course guides or they may choose to use the curriculum models developed at the Ohio Department of Education (ODE). These models include the best practices, illustrative tasks and learning experiences, teacher vignettes, samples of student work, prototype assessments and instructional resources.

As appropriate to the course of study, each district-developed guide should contain:

- A. the intended learning outcome(s), defined in terms of how the learning is applied;
- B. knowledge, skills, attitudes, and values needed to achieve those outcomes;
- C. learning activities needed to achieve the outcome;
- D. appropriate materials and resources;
- E. suggested methods of instruction;
- F. evaluation criteria, standards, and methods which will confirm the extent to which learning outcomes have been achieved;
- G. a list of supplemental materials for the guidance of teachers.

The Superintendent (through appropriate staff) shall be responsible for the preparation of course guides.

Cross Ref:   2105   Mission Statement  
              2110   Statement of Philosophy  
              2111   Special Education Statement of Philosophy  
              2120   School Improvement

R.C. 3313.60  
A.C. 3301-35-02, 3301-35-02 (B)

Adopted: April 13, 1999  
Revised: August 14, 2012

### **CONTROVERSIAL ISSUES**

The Governing Board of Education believes that the consideration of controversial issues has a legitimate place in the instructional program of the schools.

Properly introduced and conducted, the consideration of such issues can help students learn to identify important issues, explore fully and fairly all sides of an issue, weigh carefully the values and factors involved, and develop techniques for formulating and evaluating positions.

For purposes of this policy, a controversial issue is a topic on which opposing points of view have been promulgated by responsible opinion, likely to arouse both support and opposition in the community.

The Board will permit the introduction and proper educational use of controversial issues provided that their use in the instructional program:

- A. is related to instructional goals of the course of study and level of maturity of students;
- B. does not tend to indoctrinate or persuade students to a particular point of view;
- C. encourages open-mindedness and is conducted in a spirit of scholarly inquiry.

Controversial issues related to the program may be initiated by the students themselves provided they are presented in the ordinary course of classroom instruction and are not substantially disruptive to the educational setting.

Controversial issues may not be initiated by a source outside the schools unless prior approval has been given by the appropriate building administrator.

When controversial issues have not been specified in the course of study, the Board will permit the instructional use of only those issues which have been approved by the Superintendent.

The Board recognizes that a course of study or certain instructional materials may contain content and/or activities that some parents find objectionable. If after careful, personal review of the program lessons and/or materials, a parent files a complaint in accordance with Board policy 9130 regarding either the content or activities that conflict with his/her religious beliefs or value system, the school will honor a written request for his/her child to be excused from a particular class for specified reasons. The student, however, will not be excused from participating in the course and will be provided alternate learning activities during times of such parent requested absences.

The Superintendent shall develop administrative guidelines for dealing with controversial issues and with parental concerns about program content or the use of particular materials.

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**INNOVATIVE PROGRAMS**

The ESC Governing Board wishes to promote the continued improvement of the instructional and curricular program of participating schools through all appropriate means. The Governing Board will encourage member districts to pursue a promising program for school improvement.

An innovative program design should address the steps below when appropriate to the project:

- A. Rationale
- B. Specific objectives
- C. Supportive research
- D. Budgeting
- E. In-service requirements
- F. Assessment of the learning
- G. Plans for broader implementation
- H. Methods for program evaluation

Each innovative program shall be consistent with the District's objectives and long range plans. Programs designed for disabled students must comply with Federal and State guidelines.

Cross Ref:   2105   Mission Statement  
              2110   Statement of Philosophy  
              2111   Special Education Statement of Philosophy  
              2120   School Improvement

Adopted: April 13, 1999  
Revised: January 14, 2003

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## 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 Governing Board 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 Educational Service Center, or social or economic background, to learn through the curriculum offered in this Center. Educational programs shall be designed to meet the varying needs of all students.

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

- A. 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;
- B. Staff Training  
develop an ongoing program of in-service training for school personnel design to identify and solve problems of bias based upon the Protected Classes in all aspects of the program;
- C. Student Access
  1. review current and proposed programs, activities, facilities, and practice 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 Center 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;

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- D. Center Support  
verify that like aspects of the Center 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;
  
- E. 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.

### Center Compliance Officers

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

[NOTE: School Centers are advised to appoint both a male and a female CO in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs may also serve as the Center's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim of discrimination that pertains to the other CO.]

The names, titles, and contact information of these individuals will be published annually in the parent/student and staff handbooks.

The are responsible for coordinating the Center's efforts to comply with applicable Federal and State laws and regulations, including the Center's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination Act of 1975 is provided to students, their parents, staff members, and the general public. A copy of each of the Acts and regulations on which this notice is based may be found in the CO's office.

The Superintendent shall annually attempt to identify children with disabilities, ages 3-22, who reside in the Center but do not receive public education. In addition, s/he shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in Center programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation, and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the Center will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading and writing, on an annual basis (see AG 2260F).

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## **Reports and Complaints of Unlawful Discrimination and Retaliation**

Students and all other members of the School Center community and third parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other Center official so that the Board may address the conduct. Any teacher, administrator, supervisor, or other Center employee or official who receives such a complaint shall file it with the CO ( ) at his/her first convenience ( ) within two (2) school days.

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

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may constitute unlawful discrimination based on a Protected Class, the Principal shall report the act to one of the COs who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the Principal shall suspend his/her Policy 5517.01 investigation to await the CO's written report. The CO shall keep the Principal informed of the status of the Policy 2260 investigation and provide him/her with a copy of the resulting written report.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept complaints of unlawful discrimination/retaliation directly from any member of the School Center community or a visitor to the Center, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a CO will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School Center community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

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

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## **Investigation and Complaint Procedure**

Any student who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.

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

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"). The Cleveland Office of the OCR can be reached at 1350 Euclid Avenue, Suite 325, Cleveland, Ohio 44115; Telephone: (216) 522-4970; Fax: (216) 522-2573; TDD: (216) 522-4944; E-mail: [ocr.cleveland@ed.gov](mailto:ocr.cleveland@ed.gov); Web: <http://www.ed.gov/ocr>.

## **Informal Complaint Procedure**

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

The informal process is only available in those circumstances where the parties (the alleged target of the discrimination and individual(s) alleged to have engaged in the discrimination) agree to participate in it. Students who believe that they have been unlawfully discriminated/retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

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

As an initial course of action, if a student feels that s/he is being unlawfully discriminated/retaliated against and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the CO may advise against the use of the informal complaint process.

A student who believes s/he has been unlawfully discriminated/retaliated against may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (2) to the Superintendent or other Center-level employee; and/or (3) directly to one of the COs.

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

The School Center's informal complaint procedure is designed to provide students who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the student claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the student about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 2260 – Non-Discrimination as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the CO may arrange and facilitate a meeting between the student claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

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

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

### **Formal Complaint Procedure**

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

A student who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant") may file a formal complaint, either orally or in writing, with a teacher, Principal, or other Center employee at the student's school, the CO, Superintendent, or another Center employee who works at another school or at the Center level.

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

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

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

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

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

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation. A Principal will not conduct an investigation unless directed to do so by the CO.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent") that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 2260 - Non- Discrimination. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

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

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

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

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

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

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

The decision of the Superintendent shall be final.

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

The Complainant may be represented, at his/her own cost, at any of the above described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a Complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

## **Privacy/Confidentiality**

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

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

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

## **Sanctions and Monitoring**

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

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

### Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

### Education and Training

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

A.C. 3301-35-02(A)

R.C. 3301.0711, 3302.01, 3302.03, 3313.61, 3313.611, 3313.612, 3317.03

Fourteenth Amendment, U.S. Constitution

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

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

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

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

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

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

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

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

29 C.F.R. Part 1635

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

Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, March 1979

Title III of the No Child Left Behind Act of 2001

Cross Ref:   2105   Mission Statement  
              2110   Statement of Philosophy  
              2111   Special Education Statement of Philosophy  
              2120   School Improvement

Adopted: May 12, 1981

Revised: July 17, 2014

# **Administrative Guidelines**

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## **ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

These guidelines shall be used to ensure that the Board's policy on nondiscrimination (2260) is implemented properly and in compliance with Federal and State laws and regulations, particularly Part 104 of Section 504 of the Rehabilitation Act of 1973 (34 CFR). A copy of Part 104 is provided as AG 2260 A.

Children who have been diagnosed as having a disability and who, through a multi factored evaluation, qualify for categorical services under IDEIA will be served under the existing State Special Education regulations. Section 504 protects all students with a mental or physical impairment which is defined as follows: substantially limits one (1) or more major life activities, (2) or has a record of such an impairment, or (3) is regarded as having such an impairment.

The District will identify, evaluate, and provide an appropriate education for students who are disabled under Section 504

### **FACILITIES**

The educational program of this District shall be accessible to all students. All programs need to be designed and scheduled so the location or nature of the facility or area will not deny an otherwise-qualified disabled student the opportunity to participate in the academic or other school program on the same basis as a non disabled student.

Guide Dogs for students who require this type of assistance shall be permitted access to all facilities, programs, and events of the District. The student must provide evidence of the dog's certification for that purpose. If the dog is still in training, proof of liability insurance policy must be provided.

### **PROGRAM**

The educational program includes the academic and non-academic setting. Each qualified, disabled student shall be educated with the non-disabled student to the maximum extent appropriate. In the non-academic setting, the disabled student shall participate with the non-disabled students to the maximum extent appropriate to the needs of the disabled student.

### **REFERRAL**

If the referring person and the Principal have reason to believe that the student needs special accommodations or related services in order to be provided access to the District's programs, the Principal shall notify the parent. If the referring person and the Principal suspect that the student is eligible for services through IDEIA, the procedures for identification, evaluation, and placement must be followed. If the IDEIA evaluation team determines the child is ineligible under IDEA the team shall determine the student's eligibility for special accommodations or related services under Section 504. If s/he is eligible, a student accommodation plan shall be developed.

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If the referring person does not suspect an IDEIA disability or has knowledge that the student does not qualify under IDEIA, the student shall be evaluated in accordance with the Section 504 evaluation procedures.

## EVALUATION/PLACEMENT

Prior to evaluation, the Principal/supervisor of special education shall notify the parent and obtain (written) consent of the parent. At the time of notification of the parent to obtain consent for the evaluation, the principal shall provide the parent an explanation of the rights of the parent and the student under 504.

The Section 504 evaluation is to be tailored to the suspected or known disability and how that disability impacts on the student's ability to function in the school setting. A full multi-factored evaluation may not be required, but the evaluation shall draw upon information from a variety of sources including those who have detailed knowledge about the student and his/her condition. Each person providing evaluative information shall assure that the information is documented.

The Principal shall schedule a meeting of the group of persons knowledgeable about the student which shall review the evaluation data and determine if the student is disabled within the meaning of Section 504 (see page 1). The parents will be notified of the meeting and be invited to attend the meeting.

*Note:* There is no requirement that the parent attend the 504 evaluation team meeting. In districts which divide the evaluation team and the IEP team, staff may wish to follow established IDEIA procedures. Efficiency may dictate combining the 504 evaluation team meeting and the meeting to develop the student accommodation plan.

If the team determines that the student is disabled under 504, it will determine what reasonable accommodation or related services the student may need and develop a 504 student-accommodation plan.

1. Parents are to be invited to participate in the development of the plan
2. Parents are to be notified of the content of the plan and provided a copy of the plan.

If the 504 team determines that the student does not qualify under 504, it shall document the decision, provide the basis of the decision, and state that the student may be served appropriately in the regular education setting without related services or special interventions. Following the 504 team meeting, the parent is to be notified of the team's decision.

The Principal is to ensure that the evaluation and placement process be completed in a reasonably timely manner and in compliance with the procedural safeguards under - Section 504 Procedural Safeguards. It is essential that the parents be provided a copy of their rights under Section 504.

# **Administrative Guidelines**

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## **Evaluation/Change in Placement**

Within one (1) school year following implementation of a student accommodation plan, the student's 504 team is to review the student's progress and determine if further intervention or a modification in the plan is needed.

## **DISCIPLINE**

The disciplinary process described in Policy 2465 should be used in situations in which a 504-disabled student may be subject to suspension, expulsion, or exclusion.

## **DRUG RELATED CIRCUMSTANCES**

If a student, disabled only under Section 504, is caught with drugs at school, s/he may be disciplined. The disciplinary procedures required for IDEA students do not apply.

## **COMPLAINTS**

All complaints should be handled in accordance with the procedures of the district. Section 504 does not establish timeliness for submission of a hearing request nor does it define "impartial hearing" or require that the selection of the hearing officer be mutually agreed-upon by the District and the parents. The impartial hearing officer should be someone who is not employed by or under contract to this District in any capacity. The complainant is to be informed that s/he may contact the Office of Civil Rights at any time.

## **INSTRUCTION**

Because of the least -restrictive environment requirements, the principal should review work with the teacher(s) involved to make sure s/he (each):

- A. recognizes the requirements of the law and the relationship between the evaluation of the student and his/her instruction;
- B. has made appropriate accommodation in the instructional program and/or classroom environment as provided in the student's 504 accommodation plan. Such accommodations could include but are not limited to:
  1. preparation of alternate lesson plans;
  2. modification of schedules;
  3. rearrangement of the students.

A.C. 3301-35-02(A) Fourteenth Amendment, U.S. Constitution ,  
20 U.S.C. Section 1681; 20 U.S.C. Section 1702 et. seq.  
29 U.S.C. Section 794; 42 U.S.C. Section 2000 et. seq.

IMPLEMENTED: February, 1999

Revised: December 10, 2002

**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 Governing Board does not discriminate in admission or access to, participation in, or treatment of, 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 Educational Service Center.

“An individual with a disability” means a person who has a record of or is regarded as having a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

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

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

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

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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.

**Center Compliance Officer**

The following person is designated as the Center Section 504 Compliance Officer/ADA Coordinator (“Center Compliance Officer”):

Davelyn Ross, (740) 349-1629 [dmross@laca.org](mailto:dmross@laca.org)

The Center Compliance Officer is responsible for coordinating the Center’s efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the ADA. A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the Compliance Officer.

The Center Compliance Officer will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board’s adopted grievance procedure, and will attempt to resolve the grievances.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. The Board will follow a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing.

**Training**

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

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

**Facilities**

No qualified person with a disability will, because the Center’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 Center will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the Center 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. Programs and activities will be designed and scheduled so that the location and nature of the facility or area will not deny a student with a disability the opportunity to participate on the same basis as students without disabilities.

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**Education**

The Board is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who are disabled within the definition of Section 504, regardless of the nature or severity of their disabilities.

If a student has a physical or mental impairment that significantly limits one or more major life activities, the Board will provide the student with a free appropriate public education. An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For disabled students who are not eligible for specially designed instruction under IDEIA, the related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of non-disabled students are met, shall be delineated, along with their placement, in a Section 504 Plan.

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

The Board is committed to educating (or providing for the education of) each qualified person with a disability who resides within the Center with persons who are not disabled to the maximum extent appropriate. Generally, the Center will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment even with the use of supplementary aids and services cannot be achieved satisfactorily.

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

**Notice**

Notice of the Board's nondiscrimination policy and the identity of the Center's Compliance Officer will be posted on the Center's website. See related policies 1623 and 5470.

34 C.F.R. Part 104; 29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended, 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended.

Adopted: March 13, 2007  
Revised: July 16, 2013

**SINGLE GENDER CLASSES AND ACTIVITIES**

The Governing Board does not discriminate based on gender or any other protected class. Equal educational opportunities are available to all students regardless of race, color, national origin, Sex, disability, age (except as authorized by law), religion, military status, ancestry, or genetic information. The Board recognizes, however, that some circumstances may prompt program coordinators or administrators to offer a single gender class or activity. This policy delineates the circumstances permitting administrators to create single gender educational offerings, and addresses additional requirements for such programs. The ESC Compliance officer is responsible for oversight or compliance with this policy.

This policy addresses traditional non-vocational classes, as well as extracurricular activities and programs, including field trips, lunch, and recess. The policy applies regardless of whether the Center administers a program directly or through another entity. This policy, however, does not apply to single gender schools or athletic programs.

**General Requirements and Overview**

The Center may offer single-gender programs when needed to achieve an important objective, and the single-gender nature of the class is substantially related to that objective. Only two objectives are allowed:

- A. improving achievement through providing diverse educational opportunities; or
- B. meeting a particular, identified educational need.

Further, these objectives shall be met in an evenhanded manner, and staff shall provide a substantially equal coeducational class for each student. Additionally, student enrollment in the single-gender program shall be completely voluntary. The Superintendent shall conduct an annual evaluation to verify that the program complies with these requirements and established guidelines and procedures.

Students with disabilities or language challenges shall not be excluded from single-gender classes because of their needs.

**Notice**

Notice of the Board's nondiscrimination policy and the identity of the Center's Compliance Officer will be posted on the Center's website. See related policies 1623 and 5470.

34 C.F.R. Part 104; 29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended, 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended.

Adopted: January 12, 2016

Revised:

**RELIGION IN THE CURRICULUM**

Based on the First Amendment protection from the establishment of religion in the schools, Instructional activities shall not be permitted to advance or inhibit any particular religion or religion generally.

The Governing Board believes that an understanding of religions and the contributions that religion has made to the advancement of civilization is essential to the thorough education of young people and to their appreciation of a pluralistic society.

To that end curriculum may include as appropriate to the various ages and attainments of the students, instruction about the religions of the world.

The Board acknowledges the degree to which a religious consciousness has permeated the arts, literature, music, and issues of morality. The instructional and resource materials approved for use in the District's schools and ESC programs frequently contain religious references or concern moral issues that have traditionally been the focus of religious concern. That such materials may be religious in nature shall not, by itself, bar the use in the District. The Board directs that professional staff members employing such materials be neutral in their approach and avoid to advance or inhibit religion in any way.

The Board recognizes that religious traditions vary in their perceptions and doctrines regarding the natural world and its processes. The curriculum is chosen for its place in the education of the District's students, not for its conformity to religious principles. Students should receive unbiased instruction in the schools, so they may privately accept or reject the knowledge thus gained, in accordance with their own religious tenets.

Accordingly, no student shall be exempted from attendance in a required course of study on the grounds that the instruction therein interferes with the free exercise of his/her religion.

The Board acknowledges that it may not adopt any policy or rule respecting or promoting an establishment of religion or prohibiting any student from the free, individual, and voluntary expression of the student's religious beliefs. However, such exercise may be limited to other noninstructional time periods when students are free to associate, i.e. lunchtime.

Cross Ref:   2105   Mission Statement  
              2110   Statement of Philosophy  
              2111   Special Education Statement of Philosophy  
              2120   School Improvement

U.S. Constitution. Amend. 1  
R.C. 3313.601

Adopted: April 13, 1999  
Revised: April 8, 2003

## **POST SECONDARY ENROLLMENT PROGRAMS**

The Governing 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.

As mandated by State statute, the Board will approve participation by students who meet the State Board of Education's criteria, to enroll in approved postsecondary programs during the ninth, tenth, eleventh or twelfth grades, while in attendance in the District or its cooperative programs at the ESC or JVS. Students will be eligible to receive secondary credit for completing any of these programs providing they meet the established requirements.

No student may participate, however, without the written consent of the Superintendent of the Local School District and for those under the age of eighteen (18), the written consent of the parents, or without attending the counseling services offered in relation to this educational option.

The Board shall deny high school credit for postsecondary courses any portion of which is 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 postsecondary 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 to send written notice of the expulsion to any college in which the expelled student is enrolled under R.C. 3365.03 (Postsecondary Enrollment Options) at the time the expulsion is imposed. This notice shall include 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 postsecondary courses taken during an expulsion. If the expulsion period is later extended, the Superintendent shall notify the college of the extension.

Local Superintendents shall establish the necessary administrative guidelines and procedures to ensure that such programs are in accord with State regulations and are properly communicated to both the students and their parents. The Superintendent shall also establish guidelines and procedures for the awarding of credit and the proper entry on a student's transcript and other records of his/her participation in a post secondary program.

R.C. 3313.613, 3365.01 through 3365.09

Adopted: March 9, 1999

Revised: April 8, 2003

# Policy

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### PRESCHOOL PROGRAM

The Governing Board recognizes a need to provide a preschool program to eligible children residing in its Educational Service Center's participating districts and has obtained a license to operate a preschool program.

The preschool program shall be located in a facility that accommodates the enrollment of the program, supports the growth and development of children according to program objectives, and meets the requirements of statute.

A child is eligible for entrance into preschool if s/he attains the age of three (3) on or before September 30<sup>th</sup> of the year in which s/he applies for entrance and has not yet obtained the age at which s/he will be admitted in kindergarten. Public preschool special education students are eligible for entrance according to state and federal IDEIA procedures as are specified by the Ohio Department of Education. Children participating in the preschool program shall have been immunized in accordance with the requirements of the State Board of Education to prevent the spread of communicable disease.

Parents of children enrolled in the program shall be permitted limited access to the school during its hours of operation to contact their children, evaluate the care provided by the program, the premises, or for other purposes approved by the director.

**Tuition and Fees:** Tuition and fees may be charged to parents of preschool students, according to federal and state guidelines. Tuition and fees may be graduated in proportion to family income or waived in case of hardship.

**Transportation:** Transportation may be provided for typical preschool students as a local school district decision. Transportation must be provided to disabled students as required by law. Preschool program field trips shall be planned in accordance with Policy 2340.

The Superintendent is directed to establish written Guidelines for the preschool program addressing the following: (**AG 2280.01**)

- A. staff
- B. cumulative records and student information
- C. program and curriculum/equipment and supplies
- D. health and safety requirements
- E. admission and attendance
- F. admission with aids
- G. missing children
- H. behavior management and discipline
- I. management of communicable diseases
- J. transportation for field trips
- K. facility
- L. food services

R.C. 3313.646, 3301.53; A.C. 3301-37-07

Adopted: June 12, 2007

Revised: April 12, 2011

# **Policy**

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## **FIELD AND OTHER CENTER-SPONSORED TRIPS**

The Governing Board recognizes that field trips, when used for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the schools. Properly planned and executed field trips should:

- A. supplement and enrich classroom procedures by providing learning experiences in an environment outside the schools;
- B. bring the resources of the community - natural, artistic, industrial, commercial, governmental, educational - within the student's learning experience;
- C. afford students the opportunity to study real things and real processes in their actual environment.

For purposes of this policy, a field trip shall be defined as any planned journey by one or more students away from Center premises, which is an integral part of a course of study and is under the direct supervision and control of a professional staff member or any advisor as designated by the Superintendent.

Other Center-sponsored trips shall be defined as any planned student-travel activity which is approved as part of the District's total educational program.

The Governing Board shall approve those field trips and other Center-sponsored trips which are planned to keep students out of the District overnight or longer or out of the state.

The Superintendent/designee shall approve all other such trips.

Students may be charged reasonable fees for field trips, but no student shall be denied participation for financial inability, nor shall nonparticipation be penalized academically.

Students on all District-sponsored trips remain under the supervision of this Board and are subject to its administrative guidelines.

The Board does not endorse, support, or assume liability in any way for any staff member, volunteer, or parent of the District who takes students on trips not approved by the Board or Superintendent. No staff member may solicit students of this Center for such trips within the facilities or on the school grounds of the Center without permission from the Superintendent. Permission to solicit neither grants nor implies approval of the trip. Such approval must be obtained in accordance with the ESC's Administrative Guidelines for Extended Trips.

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The Superintendent shall prepare administrative guidelines for the operation of both field trips, which shall ensure that:

- A. the safety and well-being of students is protected at all times;
- B. parental permission is sought and obtained before any student leaves the District on a trip;
- C. each trip is properly planned, and if a field trip, is integrated with the curriculum, evaluated, and followed up by appropriate activities which enhance its usefulness;
- D. the effectiveness of field trip activities is judged in terms of demonstrated learning outcomes;
- E. each trip is properly monitored;
- F. student behavior while on all field trips complies with the Student Code of Conduct (or set of building rules for students) and on all other trips complies with an approved code of conduct for the trip;
- G. a copy of each student's Emergency Medical Authorization Form is in the possession of the staff member in charge

A professional staff member shall not change a planned itinerary while the trip is in progress, except where the health, safety, or welfare of the students in his/her charge is imperiled or where changes or substitutions beyond his/her control have frustrated the purpose of the trip.

In any instance in which the itinerary of a trip is altered, the professional staff member in charge shall notify the administrator within a reasonable period of time.

School vehicles are not to be used in the entire distance traveled round trip from the point of exit and entry of the State when it is more than 1000 miles.

R.C. 3327.15; 3313.81-813; 3301-37-09

A.C. 3301-83-12, 3301-83-16(A)(B)(E)

Auditor of State Bulletin 2000-006

Cross Ref:   2105   Mission Statement  
              2110   Statement of Philosophy  
              2111   Special Education Statement of Philosophy  
              2120   School Improvement

Adopted: January 12, 1993

Revised: January 8, 2013

**EDUCATIONAL OPTIONS**

The Governing Board recognizes the need to provide alternative means by which students achieve the goals of the District.

The ESC Superintendent may delegate authority to curriculum, gifted coordinators and appropriate others to help local superintendents and principals prepare a plan of educational options for use in meeting special needs. Such options may include a listing of existing programs in county-wide schools, but not be limited to, tutorial programs, independent study, tech-prep, correspondence courses, educational travel, mentorship programs, summer school, early college entrance, and appropriate e-schools, etc.

Credit(s) may be granted to the student upon complete evaluation of the program. The credit shall be placed on the student transcript according to participating district procedures. The amount of credit counting toward graduation shall comply with the each District's graduation requirements.

Cross Ref:   2105   Mission Statement  
                  2110   Statement of Philosophy  
                  2111   Special Education Statement of Philosophy  
                  2120   School Improvement

A.C. 3301-35-02(C)

Adopted: April 13, 1999  
Revised: January 14, 2003

# Policy

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## **HOME-BOUND INSTRUCTION PROGRAM**

The Governing Board of Education may provide, pursuant to rules of the State Board of Education, individual instruction to students who are unable to attend classes because of accident, illness, or disability.

Documentation of the disabling condition shall be done by a physician licensed to practice in this State who shall:

- A. certify the nature of the medical disability;
- B. state the probable duration of the confinement;
- C. certify the student's ability to profit from an educational program.

Applications must be approved by the Local Superintendent.

The program of home-bound instruction given each student shall be in accordance with rules of the State Board of Education with such exceptions as may be recommended by the school medical inspector or I.E.P. Team. Teachers shall hold an Ohio teaching certificate appropriate for the level of instruction for which the assignment is made. LCESC teachers assigned to a Home-Bound student shall be paid at a \$25.00 per hour rate for one student per session, no more than 5 hours per week.

Instruction may be withheld when:

- A. the instructor's presence in the place of a student's confinement presents a hazard to his/her health;
- B. a parent or other adult in authority is not at home with the student during the hours of instruction;
- C. the condition of the student is such as to preclude his/her benefit from such instruction.

Cross Ref:   2105   Mission Statement  
              2110   Statement of Philosophy  
              2111   Special Education Statement of Philosophy  
              2120   School Improvement

R.C. 3323.12

A.C. 3301-51-03 (E)

Adopted: June 8, 1999

Revised: September 9, 2014

**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 made available to students, parents/guardians/custodians. And local postsecondary institutions, residents of the Educational Service Center, and shall be posted on the LCESC web site.

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 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 County's Career Advising Plan shall include:

- A. Grade-level examples that link student's schoolwork to one (1) or more career field.
- 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. Documentation on career advising provided for review by the student, student's parent, guardian or custodian, and schools the student may attend in the future.
- H. 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.

R.C. 3313.6020, Ohio Model Policy on Career Advising (ODE) (December 2014)

Adopted: April 14, 2015

# Policy

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## SURVEYS – ANALYSES - EVALUATIONS

The Governing Board of Education respects the privacy rights of parents and their children. Students participating in any survey, analysis, or evaluation associated with a school program or the District's curriculum in which the primary purpose is to reveal information concerning the following list may “opt out” of participating in a private survey with a parent written consent to do so:

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

The Superintendent shall ensure that procedures are established whereby parents may inspect any materials used in conjunction with any such survey, analysis, or evaluation. Such surveys will be given anonymously and compiled and analyzed to determine social trends that may impact the health and safety of our students.

This policy will not prevent an administrator from asking pointed questions during a disciplinary interrogation nor is it to prevent investigatory questioning of students by administrators or law enforcement officials (see policies # 5540 Interviewing Students and #5771 Search and Seizure).

20 USC 1232 (g)

Adopted: April, 1999  
Revised: June 7, 2016

**SUMMER SCHOOL**

The Governing Board of Education may conduct a cooperative summer program of academic instruction and/or intervention for resident students of participating districts and such other students as the Board may admit. The LCESC programs are focused more on work shadowing, internships and mentorships with business or agencies in the county.

Summer school instruction/intervention may be designed to provide opportunities as determined by a Continuous Improvement Plan(s) of the districts, Extended School Year Services and/or under I.E.P.'s for students to:

- A. improve a poor grade;
- B. maintain or improve learning skills;
- C. make up a failed course;
- D. enrich a scholastic program;
- E. intervention for proficiency deficiencies.

In order to support such a cooperative program of summer instruction/ intervention for the participating districts, the Governing Board may:

- A. employ teaching and administrative staff;
- B. purchase such books, materials, supplies, and equipment as may be necessary;
- C. make available school facilities as required;
- D. charge instructional fees to all students enrolled, when necessary.

With regard to transportation, the Governing Board does not accept responsibility for any student. The Superintendent shall be responsible for developing administrative guidelines, and may delegate such to appropriate personnel, for the operation of the summer program which shall be consistent with Board policies and not conflict in any way with the administration of the regular school sessions of the Districts.

Cross Ref:	2105	Mission Statement
	2110	Statement of Philosophy
	2111	Special Education Statement of Philosophy
	2120	School Improvement
	2460.03	Extended School Year Services

R.C. 3313.57, 3313.641

Adopted: June 8, 1999  
Revised: August 9, 2016

# Policy

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## **SPECIAL EDUCATION**

The ESC Governing Board is committed to providing a free appropriate public education to children with disabilities in accordance with state and federal laws, rules, and regulations. This includes students who are confined to community corrections facilities or juvenile detention centers. The Educational Service Center shall provide students with disabilities the services to which they are entitled pursuant to their individualized education programs (IEPs) and in accordance with the Operating Standards for Ohio Educational Agencies Serving Children with Disabilities, including Child Find and Evaluation requirements. Students with Disabilities who are in adult county jails shall continue to receive FAPE during incarceration subject to their continued eligibility for services and subject to exceptions related to security and safety.

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

Copies of Model Policies and Procedures are available on the website of the LCESC.

Cross Ref:    2105   Mission Statement  
                  2110   Statement of Philosophy  
                  2111   Special Education Statement of Philosophy  
                  2120   School Improvement

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

Adopted: January 1, 1980  
Revised: December 13, 2016

**LEAST RESTRICTIVE ENVIRONMENT POSITION STATEMENT**

It is the philosophy and position of the Governing Board of Education and its administration that the primary responsibility for the administration and delivery of special education programs and services should be within the District and at the school (program) a student would regularly attend, whenever appropriate.

Further, the Governing Board endorses a commitment to the provision of a continuum of special education programs and services to disabled students within the participating districts. Placement options shall follow a continuum of services model to ensure that each disabled person is provided a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). To that end, every attempt will be made to first serve disabled students in the context of a regular education classroom. Other more restrictive environments such as resource rooms and self-contained categorical classrooms will be considered only when placement in the regular classroom has been documented by the IEP Team to be inappropriate for the student's educational needs.

Cross Ref:   2105   Mission Statement  
              2110   Statement of Philosophy  
              2111   Special Education Statement of Philosophy  
              2120   School Improvement  
              2460   Special Education

Adopted: April, 1999  
Revised: December 10, 2002

**SURROGATE PARENTS FOR DISABLED STUDENTS**

The LCESC Governing Board establishes the following policy to assure procedural safeguards of disabled students with regard to the involvement of their parents.

This policy affects disabled students of the Districts whose parents are unknown, or cannot be identified, or whose parents are unavailable or cannot be located. (A student's parents are considered to be "unavailable" if they cannot be located after a "reasonable effort" on the part of the resident school district or county or state agency responsible for the student). It also affects disabled students who are wards of the State and the parent or guardian has not retained the right to make educational decisions for the student.

Upon determination that a student is in need of a Surrogate Parent, the educating school district Superintendent, or designee, shall, within thirty (30) days, appoint a Surrogate Parent who will be sent a formal letter of appointment. A copy of the appointment shall be placed in the student's permanent records. The resident school district shall be a part of this assignment as they will be responsible for any costs involving such surrogate training and participation activities.

R.C. 3323.05, 3323.051  
20 USC 1401 et seq.  
A.C. 3301-51-02(F)

Cross Ref:   2105   Mission Statement  
              2110   Statement of Philosophy  
              2111   Special Education Statement of Philosophy  
              2120   School Improvement

Adopted: February 10, 2003

**EXTENDED SCHOOL YEAR SERVICES FOR DISABLED STUDENTS**

The LCESC may assist in providing extended school year services to a disabled student when his/her IEP Team has determined that the student is likely to suffer irreparable regression, due to interruption of services, and will not recoup to the extent necessary to attain those IEP objectives which are critical to becoming self-sufficient as an adult.

The Superintendent shall implement administrative guidelines as recommended by the Ohio Department of Education, which are in compliance with Federal and State law.

Cross Ref:    2105    Mission Statement  
                  2110    Statement of Philosophy  
                  2111    Special Education Statement of Philosophy  
                  2120    School Improvement  
                  2440    Summer School  
                  2460    Special Education

Adopted: May, 1999  
Revised: August 9, 2016

## **INDEPENDENT EDUCATIONAL EVALUATION**

Parents of a student with a disability, as directed by Individuals with Disabilities Education Improvement Act (“IDEIA”), have the right to obtain an independent educational evaluation (“IEE”) subject to the criteria set forth in this Policy. Parents have the right to an IEE at public expense if they disagree with an evaluation completed by the Educational Service Center. Evaluation for this purpose refers to the complete evaluation from the Center, not to individual components of an evaluation. A parent is only entitled to one (1) publicly-funded IEE per evaluation with which the parent has disagreed. The Center may file a due process complaint if it believes that the disputed evaluation is appropriate. If the request for an IEE comes one (1) year or more from the date of completion of the Center’s evaluation, the Center may seek to complete a reevaluation prior to granting the parents’ request for an IEE.

An IEE is an evaluation conducted by a qualified person who is not a regular employee of the Center. The law providing for IEE’s does not impose requirements on the Center to accept findings or to implement recommendations set forth in IEE’s. The results of an IEE will be considered by the IEP team, along with other data, as long as the evaluation meets certain criteria.

If a parent requests an IEE at public expense, the parent may be asked for a reason why s/he objects to the Center’s evaluation. Unless the Center chooses to initiate a due process hearing, the Center will respond to the parent’s request in a manner that allows the IEE to be provided at public expense in a timely manner.

Evaluations are designed to meet the individual needs of a child. As a result, each evaluation is different. The law allows the Center to impose criteria that all IEE’s must meet. These criteria are the same as the Center uses when it initiates an evaluation. All IEE’s, regardless of who funds them, must meet the following criteria:

- A. The evaluator must be qualified and able to perform an unbiased evaluation. Qualifications include both a college degree and the appropriate license, certificate, or other credential for his/her area of practice;
- B. The evaluator must have experience or specialized training to work with children with disabilities;
- C. The evaluation must take place within twenty-five (25) miles of the school district. This requirement may be waived or modified in special circumstances when unique diagnostic expertise is warranted, provided the parents demonstrate the necessity of using an evaluator outside the specified geographic area.

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- D. If publicly funded, the cost of the evaluation must be within the range of reasonable market prices for such an evaluation. The reasonable market price will vary based upon each child's unique needs. However, all evaluations that cost a total of \$350.00 or less will be deemed to be within reasonable market range. An evaluation that will cost more than the threshold must be discussed with the Center in advance for an individual determination of whether it is reasonable. Costs above the customary amounts will be approved only if the parents demonstrate that there are other factors that make the extraordinary costs necessary. The Center must be provided with a copy of a detailed bill itemizing all charges and costs of the IEE; related report, the amount of time in hours/minutes spent on any other services billed to the Center indicating specifically what person or persons performed each task or item billed to the Center. A copy of the IEE report and detailed bill must be submitted to the Center within sixty (60) days of the completion of the IEE.
- E. The evaluator must make at least one (1) thirty (30) minute observation of the child in his/her educational setting. If the child receives any services at a Center – operated school, one (1) observation must be conducted at the school.
- F. The observation requirement will be waived for an evaluation that is presented strictly for purposes of clinical diagnosis of a disability.
- G. The complete written evaluation results must be delivered directly from the evaluator to the Center. Evaluation reports that have been redacted, altered from their original form, or contain incomplete or missing information are not accepted. The parent must sign a release of the parent's right to confidentiality of information and a release of any privilege regarding information related to the IEE to permit consultation and discussion between the Center staff and the independent examiner with regard to the IEE. The Center may request that the evaluator attend the IEP team meeting to present the results of his/her evaluation.
- H. Test interpretations and conclusions stated in the written report must be directly and clearly supported by the data. Recommendations made as a result of the evaluation must be educationally relevant and realistic within the educational setting.

A parent who seeks a waiver from any of the criteria in this policy must present evidence to the IEP team that the child's unique disability requires the waiver. The Superintendent may waive application of one (1) or more of the criteria set forth above when the Superintendent determines that the individual needs of the child and unique circumstances justify such a waiver. Parents will be provided the opportunity to demonstrate these unique circumstances to the Superintendent.

The results of the IEE will be considered in making educational decisions as required by the IDEIA and/or Section 504 of the Rehabilitation Act of 1973.

In order for an IEE to be publicly funded, the parent must disagree with an evaluation that has been conducted by the Center.

Upon request, the Center will provide a parent with information regarding where an IEE may be obtained. This information will differ based on the unique needs of each child and may not be an exhaustive list.

34 C.F.R. 300.502  
A.C. 3301-51-05

Adopted: March 8, 2016  
Revised:

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## RECORDING OF EDUCATIONAL SERVICE CENTER MEETINGS INVOLVING STUDENTS AND/OR PARENTS

The recording of IEP Team meetings and 504 Team meetings is prohibited unless it is necessary in order for a parent to understand the IEP or 504 process and/or his/her child's IEP, or 504 Plan, otherwise necessary to implement other parental rights under the IDEIA, Section 504 of the Rehabilitation Act of 1973, as amended, and/or Americans with Disabilities Act, as amended.

- A. If a parent believes that audio recording an IEP Team **or** 504 Team meeting is necessary, s/he should notify the Special Needs Coordinator/Supervisor of the program in writing, preferably at least two (2) days before the IEP Team or 504 Team meeting, of his/her desire to audio record the meeting and the reason the recording is required. The Supervisor will notify the parent at least one (1) day before the meeting if s/he intends to deny the parent's request to record the meeting.
- B. If the Center representative denies the request, s/he will state in writing the reasons for the denial. Authorized exceptions to the general prohibition against the audio recording of IEP Team or 504 Team meetings will typically involve situations when a parent or other IEP Team or 504 Team member has a disability recognized under section 504/ADA or a language barrier that would preclude the individual's ability to understand and/ or meaningfully participate in the IEP or 504 process. The Center representative may ask for documentation of the existence of any such disability or language barrier. If a parent is permitted to audio record the meeting, s/he must use his/her own recording device and the District will similarly record the meeting.

Video recording an IEP Team meeting is strictly prohibited. Parents and students are expressly prohibited from using covert means to listen-in or make a recording (audio or video) of any meeting or activity at school. This includes placing recording devices, or other devices with one-or-two-way audio communication technology (i.e. technology that allows a person off-site to listen to live conversations and sounds taking place in the location where the device is located), within a student's book bag or on the student's person without express written consent of the Superintendent. Any requests to place a recording device or other device with one or two-way audio communication technology within a student's book bag or on a student's person shall be submitted, in writing, to the Principal (Building Administrator). The Center representative shall notify the parent(s) in writing, whether such request is denied or granted within five days.

If the District/Center audio records an IEP Team meeting, the resulting recording shall become a part of the student's educational record and will be maintained in accordance with State and Federal law.

Adopted: October 11, 2011  
Revised: April 18, 2017

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## GIFTED EDUCATION AND IDENTIFICATION

The Licking County Governing Board of Education endorses the following procedures to be established by Participating Districts to identify all gifted students. Licking County Participating Districts shall follow the identification eligibility criteria as specified in Section 3324.03 of the Ohio Revised Code and the Ohio Rules for the Identification and Services for Children Who Are Gifted as specified in District Plans. The following policy model as prescribed by the Ohio Department of Education is recommended for adoption by February 1, 2000:

### Local Board Policy

In accordance with the belief that all children are entitled to education commensurate with their particular needs, children who are gifted in the district must be provided opportunities to progress as their abilities permit.

The Licking County Local/Participating Boards of Education believe that these children require services beyond those offered in regular school programs in order to realize their potential contribution to themselves and society.

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.

### Identification

The district follows the identification eligibility criteria as specified in Section 3324.03 of the Ohio Revised Code and the Ohio Rule for the Identification and Services for Children Who Are Gifted as specified in the Plan.

Each district shall identify children of the district, in grades kindergarten through twelve, who may be gifted in one or more of the following areas:

- A. Superior Cognitive Ability
- B. Specific Academic Ability in one or more of the following content areas:
  - 1. Mathematics
  - 2. Science
  - 3. Reading, writing, or a combination of these skills
  - 4. Social Studies
- C. Creative Thinking Ability
- D. Visual or Performing Arts Ability such as drawing, painting, sculpting, music, dance, drama.

Each district shall use only those instruments approved by the Ohio Department of Education for screening, assessment, and identification of children who are gifted as provided in the Assessment Instruments for the Identification of Children Who Are Gifted.

Each district shall accept scores on assessment instruments approved for use by the Ohio Department of Education provided by other school districts and trained personnel outside the school district.

Each district shall adopt and 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 following are included in the criteria and methods each district uses 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:

- A. The sources of assessment data the district uses to select children for further testing and an explanation to parents of the multiple assessment instruments required to identify children who are gifted
- H. An explanation for parents of the methods the district uses 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
- I. The process of notifying parents within thirty (30) days the results of the screening, assessment, and identification of children who are gifted
- J. Provision of an opportunity for parents to appeal any decision about the results of any screening procedure or assessment, the scheduling of children for assessment, or the placement of a student in any program or for receipt of services
- K. Procedures for the assessment of children who transfer into the district within ninety (90) days at request of a parent
- L. At least two opportunities a year for assessment in the case of children requesting assessment or recommended for assessment by teachers, parents, or other children
- M. Scores on the Ohio Department of Education approved assessment instruments provided by other school districts and trained personnel outside the School District
- N. To contract with any qualified public or private service provider to provide screening or assessment services under the plan

The participating districts will ensure the following:

- A. Each district shall ensure equal opportunity for all children identified as gifted to receive any or all services offered by the district.
- B. Each district shall implement a procedure for withdrawal of children from district services and for reassessment of children.
- C. Each district shall implement a procedure for resolving disputes with regard to identification and placement decisions.
- D. Any district gifted education service shall be delivered in accordance with Ohio Revised Code and Ohio Administrative Code.
- E. Each district shall inform parents of the contents of this policy as required by Section 3324.06 of the Ohio Revised Code.

**Annual Report**

Each District shall submit, as required, an annual report to the Ohio Department of Education. This report shall specify the number of students screened, assessed, and identified as gifted in each category in grades K-12.

The District Superintendent or designee shall implement all policies and procedures in accordance with laws, rules, and regulations and follows the Model Policies and Plan for the Identification of Children Who Are Gifted.

Revised on the 14<sup>th</sup> day of June, 2011.

Signed: \_\_\_\_\_, President of Board

Signed: \_\_\_\_\_, Treasurer of Board

Cross Ref: 2105 Mission Statement  
2110 Statement of Philosophy  
2111 Special Education Statement of Philosophy  
2120 School Improvement

R.C. 3301.07(K), 3324.01-3324.07, 3315.09, 3317.024(0), JB, Equal Educational Opportunities  
A.C. 3301-51-15

Adopted: May 12, 1981  
Revised: June 14, 2011

**GUIDELINES FOR GIFTED EDUCATION AND IDENTIFICATION**

"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 Governing Board encourages efforts to provide services for the children who are gifted as an integral part of the kindergarten through grade twelve program.

Through valid assessment, gifted students must show one ( 1) or more of the following abilities:

- A. Superior cognitive ability, as demonstrated, within the preceding twenty-four (24) months, by **any of** the following:
  - 1. scoring at least two (2) standard deviations above the mean, minus the standard error of measurement, on an approved individual standardized intelligence test administered by a licensed psychologist;
  - 2. scoring at least two (2) standard deviations above the mean, minus the standard error of measurement, on approved standardized group intelligence test;
  - 3. performing at or above the 95th percentile on an approved individual or group standardized basic or composite battery of a nationally normed achievement test; or
  - 4. attaining an approved score on one (1) or more above-grade level standardized nationally normed approved tests.
- B. Specific academic ability, as demonstrated by performing, within the preceding twenty-four (24) months, at or above the 95th percentile at the national level on an approved individual or group standardized achievement test of a specific academic ability in that field. A "specific academic ability field" means one or more of the following areas of instruction: (a) mathematics; (b) science; (c) reading, writing, or a combination of these skills; (d) social studies.
- C. Creative thinking ability, as demonstrated by scoring, within the preceding twenty-four (24) months, one (1) standard deviation above the mean, minus the standard error of measurement, on an approved individual or group intelligence test and by either:
  - 1. attaining a sufficient score, established by the Department of Education, on an approved individual or group test of creative ability, or
  - 2. exhibiting sufficient performance, as established by the Department of Education, on an approved checklist of creative behaviors.
- D. Visual or performing arts abilities, as demonstrated by both of the following:
  - 1. demonstrating superior ability through audition or exhibition in a visual or performing arts area;
  - 2. exhibiting sufficient performance, as established by the Department of Education, on an approved checklist of behaviors related to a specific area.

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 Assessment Instruments for the Identification of Children Who Are Gifted.

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

Each Local Superintendent shall submit on an annual basis a report to the Department specifying the number of students screened, assessed, and identified as gifted in each category.

The ESC shall assist participating districts in development of administrative guidelines to ensure reliable identification, effective curriculum development and implementation, and valid assessment of the learning outcomes which should be included in the following guidelines:

**I. CHILD IDENTIFICATION**

It shall be the policy of this school district that ongoing efforts will be made to identify children who perform or show potential for performing at remarkably high levels of accomplishment in one or more of the gifted areas specified in Section 3324.03 of the Revised Code. The entire policy is available in the board office.

Children may be identified in any of the following areas: Superior Cognitive Ability, Specific Academic Ability, Creative Thinking Ability, and/or Visual and Performing Arts Ability (See Identification Chart for criteria)

**II. CRITERIA AND METHODS**

- A. Instruments and criteria established by the Ohio Department of Education shall be used in determining giftedness.
- B. **PREASSESSMENT** All students may be pre-assessed through the use of many sources of information which may include, but not be limited to: grades, progress reports, test data, portfolios, checklists, rating scales, inventories, interviews, child products, performances, auditions, exhibits, observations, other sources.
- C. **SCREENING** Students shall then be screened by analyzing available information in order to form a pool of children to test.
- D. **ASSESSMENT** Further assessments shall be conducted for students meeting the screening criteria as defined by each district.
- E. **NOTIFICATION**
  - 1. Parents must be notified within thirty days of the assessment results.
  - 2. Parents have the right to appeal any screening procedure or assessments, scheduling of children for assessment or the placement of a student in any program or for receipt of services.

**III. SOURCES OF ASSESSMENT DATA**

- A. Districts shall determine at which grade level(s) and which testing instruments to use, provided such tests have been approved by ODE for gifted administration. Tests must be standardized nationally-normed instruments. Students meeting the screening criteria in each district shall **have the opportunity for further evaluation**.
- B. Students demonstrating superior performance at the screening stage shall be identified as gifted in the area(s) meeting the gifted criteria as defined previously.
- C. Additional assessment, with instruments approved by ODE, shall be administered when necessary.

**Administrative Guidelines**

- IV. PROVISIONS FOR EQUAL ACCESS** It shall be the policy of this school district that all district students, including minority or disadvantaged students, children with disabilities, and students for whom English is a second language, shall have equal access to screening and further assessment opportunities. During pre-assessment, screening, and assessment, all students, regardless of their situation, shall be considered.
- V. PROVISIONS TO ENSURE EQUAL OPPORTUNITY** It shall be the policy of this school district that all district students identified as gifted, including minority or disadvantaged students, children with disabilities, and students for whom English is a second language, shall be afforded equal opportunity to receive any services offered by the district.
- VI. WITHDRAWAL, REASSESSMENT, TRANSFER STUDENTS** It shall be the policy of this school district that:
- A. In the event that gifted programs and services are not meeting the needs of gifted students, withdrawal procedures will be followed:
    - 1. The child or parent will put the request in writing
    - 2. Upon receipt of the request for withdrawal, the Superintendent or designee will contact the parents to discuss the concern. (If necessary, a group may be convened to discuss educational alternatives for the child.)
    - 3. The parent has the final decision.
  - B. Two opportunities a year shall be available for evaluation and/or reevaluation of students upon parent, teacher, or student request.
  - C. Students new to the district shall be afforded the opportunity to an evaluation within ninety (90) days of the parental request.
- VII. RESOLVING DISAGREEMENTS Appeals procedure:**
- A. Parent schedules a conference with the teacher, principal, or gifted personnel.
  - B. If not resolved, an appeal must be submitted in writing to the Superintendent:
    - 1. Submit a letter to the Superintendent or designee outlining the nature of the concern (Note: if the native language of the parent is other than the written language other than English, the district will provide assistance to put this matter in writing and provide a copy to parents).
    - 2. The Superintendent or designee will convene a meeting which will include the parent/guardian and may include any of the following: Administrator, Coordinator of Gifted Services, Teacher of Gifted, Child's teacher, School Psychologist, and/or other persons who have knowledge of the child or gifted education
    - 3. District personnel will review all pertinent information.
    - 4. The Superintendent or designee will issue a written decision within 30 days of the appeal. This written notice should include the reason for the decision(s).
    - 5. At least one district representative shall have training in gifted education.

Implemented: January 11, 2000  
Revised: June 14, 2011

**Policy**

**ACCELERATION FOR ADVANCED LEARNERS**

In accordance with State Department of Education mandates, the Licking County ESC Governing Board shall ensure that procedures are established to encourage and assist each student to progress in a continuous growth pattern of academic achievement which is harmonious with the intellectual, social, and emotional needs of the individual.

Through curricular and instructional flexibility, the participating district's educational programs respond to the abilities and readiness of the districts most able students by offering acceleration options. The documented educational needs of the student will be the impetus for determining the type of acceleration considered.

The goals of acceleration are to:

1. adjust the pace of instruction to the student's ability,
2. provide an appropriate level of challenge, including Kindergarten early entry, grade level acceleration, early graduation, and/or
3. reduce the time period necessary for a student to complete traditional schooling.

The process should include reliable evaluation; specify documentation needed for each request for acceleration, indicate the range and types of acceleration that could be considered, and outline the responsibilities in making such decisions. This process should include these steps:

1. students may be referred by teachers, administrators, parents, and the child him/or/ herself; appropriate signed forms are to be submitted;
2. students are to be evaluated on state approved tests, both on grade level and above grade level;
3. an acceleration team is to be created and may include: parents, current teacher and receiving teacher, gifted coordinator, guidance counselor. Final decisions are team base;
4. a "Written Acceleration Plan" or (WAP) is to be created.

The LCESC Governing Board will be implementing the state model acceleration policy as approved by the State of Ohio Board of Education. This includes allowing districts to develop policies specific to their own district in compliance to State policy. We understand that we may submit proposed modifications at any time to this policy.

Cross Ref: 2111 Special Education Statement of Philosophy  
2120 School Improvement

R.C. 3301.07(K), 3313.21, 3315.09, 3317.024(0), A.C. 3301-51-15

Adopted: January 12, 1999

Revised: August 9, 2016

**Policy**

**SUSPENSION/EXPULSION OF DISABLED STUDENTS**

In matters relating to the disciplining of disabled students, the Governing Board of Education shall abide by Federal and State laws regarding suspension and expulsion as well as policy 5610.

When a disabled student's behavior is such to justify exclusion from his/her current educational placement, the principal may suspend the student for a period of not more than ten (10) days. The Superintendent shall ensure that appropriate due process procedures are followed including those procedural safeguards available under policy 5611.

Since no change in a disabled student's educational placement can be made by suspension or expulsion for longer than ten (10) cumulative days without written consent of the parent or a court order, the Superintendent shall develop administrative guidelines to ensure that a I.E.P. Team is convened and the review process occurs promptly and efficiently to determine that:

- A. the Individual Education Program (I.E.P.) is current and complete;
- B. the student has been appropriately placed as indicated by the I.E.P.;
- C. the disruptive behavior is causally related to the disabling condition;
- D. evaluation data is appropriate.

For disabled students as determined by Section 504, the local school principal shall ensure that a recent evaluation (not more than eighteen (18) months old) is available for use by the I.E.P. Team to help them determine whether or not there is a causal relationship between the behavior and the disability.

For students eligible under Section 504 only, exclusion from school in excess of ten (10) days is considered a significant change of placement. The 504 Team composed of persons personally familiar with the student and knowledgeable about special education shall meet and determine, through evaluation, whether the student's misconduct is related to his/her disability. The evaluation shall be in accordance with Policy 2260 and accompanying guidelines. If the 504

Team determines that the misconduct is unrelated to the student's disability; the student may be suspended or expelled using the same procedure the Board would follow for a Nondisabled student. If the 504 Team determines that the students misconduct is related to the disability, the 504 Team must determine whether the current educational program is appropriate and, if not modify the program according to the student's individual needs as determined by the evaluation data and 504 Team.

Should a student identified as eligible under IDEA brings a firearm to school, the procedures described above will apply except that the I.E.P. team may remove the student from his/her assigned school setting to an alternative educational setting for forty five (45) days and the "stay-put" provision of the law does not apply. If a parent requests a due-process hearing, the student shall remain in the alternative educational setting pending the results of such a hearing.

**Policy**

If a suspension period is completed before the I.E.P. Team can take appropriate action regarding a possible further suspension or expulsion, the student shall be maintained in his/her current placement until such action has been taken.

If the behavior calling for suspension is not related to the disabling condition, as determined by the I.E.P. Team, the student may be disciplined in accordance with policy 5610 - Removal, Suspension, and Expulsion. The I.E.P. Team shall consider the nature and extent of educational services to be provided during the student's exclusion from school.

Except as otherwise stated in this policy, if the wrongful behavior is disability-related, the student may not be suspended for more than ten (10) days or expelled. The I.E.P. Team shall recommend either a change in the educational placement of the student, subject to parental approval, or a request for judicial relief, if the student's behavior poses an immediate danger to the safety of others.

The Board acknowledges that it may have a continuing responsibility for providing alternative educational service to students with disabilities who have been long-term suspended or expelled.

The Superintendent shall develop administrative guidelines to implement this policy.

20 USC Section 1401 et seq  
Section 504, 1973 Rehab. Act;  
29 U.S.C. 701 seq  
U.S. Supreme Court, Honig v Doe, 56 USLW 4091

Approved: April 10, 1999  
Revised: February 10, 2003

**ADOPTION OF TEXTBOOKS**

It is the legal responsibility of the ESC Governing Board to approve all textbooks used as part of the educational program of participating districts. No such textbook will be approved which is not on a list duly filed in the Office of the Superintendent of Public Instruction.

The Governing Board shall, at a regular meeting, select the textbooks to be used in the Center's programs. Teachers are permitted to create instructional materials, including textbooks that are consistent with the curriculum adopted by the Board for use in the teacher's classroom. The program Administrators shall verify the teacher prepared instructional materials are consistent with the Board adopted curriculum.

Furthermore, it is the legal responsibility of the Governing Board to provide, free of charge, the duly adopted, required textbooks to students who are enrolled in the Service Center. Textbooks may be in a printed and bound or electronic format. An "electronic textbook" is defined as computer software, interactive videodisc, magnetic media, CD-ROM, computer courseware, on-line service, electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means.

A student or his/her parent(s) may purchase a copy of the duly-adopted textbook, regardless of format, for the Center's purchase price, including shipping and handling, plus ten percent (10%).

Substitution, alteration, or revision of any textbook within four (4) years of its selection and adoption shall require a four-fifths (4/5's) vote of the Local Board.

The Superintendent shall be responsible for the selection and recommendation of textbooks for Governing Board consideration. The Superintendent shall develop a plan for the review and recommendation of textbooks to ensure staff, parents and community members are consulted, where appropriate, in the selection process.

The program Administrators may establish a parental advisory committee to facilitate parent review of these materials. In considering the approval of any proposed textbook, the Board recommends the following factors be considered: suitability to the maturity level and educational accomplishment of the students who will be using the textbook; freedom from bias, extent to which the content will make it possible for the student to achieve the learning objectives of the course of study and the educational outcomes of the Center.

The Curriculum Supervisor shall maintain a list of approved textbooks.

Cross Ref: 2105 Mission Statement  
2110 Statement of Philosophy  
2111 Special Education Statement of Philosophy  
2120 School Improvement

R.C. 3313.21, 3313.212, 3329.01 et seq.

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

Adopted: April, 1999

Revised: November 11, 2014

## **SELECTION OF INSTRUCTIONAL MATERIALS AND EQUIPMENT**

The ESC Governing Board shall provide instructional materials and equipment, within budgetary constraints, to implement the Educational Service Center's (ESC) educational goals and objectives and to meet students' needs. The primary objective of such instructional materials and equipment shall be to enrich, support, and implement the cooperative educational programs of the participating districts students.

Teachers are permitted to create instructional materials, including textbooks that are consistent with the curriculum adopted by the Board for use in the teacher's classroom. The program Administrators shall verify the teacher prepared instructional materials are consistent with the Board adopted curriculum.

The Superintendent shall develop administrative guidelines for the selection and maintenance of all educational and instructional equipment. The guidelines shall include a plan for the review of instructional materials by staff and parents. In addition s/he shall periodically, provide for a systematic review of the ESC's educational resources in order to ensure that they are appropriate for the current educational program. Any revisions that occur should be the result of the school improvement process.

Students shall be held responsible for the cost of replacing any materials or property which are lost or damaged through their negligence.

Cross Ref:   2105   Mission Statement  
              2110   Statement of Philosophy  
              2111   Special Education Statement of Philosophy  
              2120   School Improvement

R.C. 3313.21, 3313.212, 3329.05  
A.C. 3301-35-03 (B)

Adopted: June 8, 1999  
Revised: November 11, 2014

## **COPYING COPYRIGHTED MATERIALS**

The Governing Board of Education encourages professional staff members to make judicious use of appropriate printed materials, sound recordings, digital recordings or replicas and other electronic programs in order to continuously provide the most current information for learning opportunities for students.

It recognizes, however, that Federal law, applicable to public school districts, protects authors and composers from the unauthorized use of their copyrighted work.

In order to define the fair and reasonable use that teachers may make of copyrighted works for educational purposes, without the permission of the copyright owner and to reduce the risk of copyright infringement, the Superintendent advises staff, when in question about copyright material, idea, etc., to visit the “United States Copyright Office” website at <http://www.copyright.gov/> to find a dropdown menu on the homepage with Frequently Asked Questions.

Simply, if any materials or publications explicitly say that you cannot reproduce the item without the copyright owners permission, then staff members should seek such permission, and if given then use as instructed; and if not, then do not copy. Staff members should check with their supervisors if they need further assistance in determining whether to use or not.

Cross Ref:   2105   Mission Statement  
              2110   Statement of Philosophy  
              2111   Special Education Statement of Philosophy  
              2120   School Improvement

17 U.S.C. 101 et seq.

Adopted: April 13, 1999  
Revised: June 7, 2016

**PROGRAM ACCOUNTABILITY AND EVALUATION**

The Governing Board of Education believes that effective education includes proper evaluation of the results produced from the educational resources provided by the community and the government. As the governing body of the participating Districts, the Governing Board has the responsibility to foster facilitation of assessing how well goals are being accomplished.

The Governing Board shall fulfill this responsibility by establishing a means of training and leadership to help establish Goals annually in their Continuous Improvement Plans for the purpose of continued evaluation of results which shall be systematic and specific.

The following elements will be included in such accountability program training/facilitation:

- A. Clear statements of expectations and purposes for each program coupled with specifications of how their successful achievement will be determined;
- B. Cooperative programs for staff, resources, and support necessary to achieve each program's purposes;
- C. Facilitate evaluation leadership for participating districts to assess the extent to which their program's purposes and objectives are being achieved;
- D. Recommendations for revisions and modifications needed to better fulfill expectations and purposes.

The participating districts shall maintain a calendar of assessment activities and shall make periodic evaluation reports to their superintendent. Findings of the assessment program may be used to evaluate the progress of students and the effectiveness of the curriculum.

Each participating Superintendent shall recommend improvements in the educational program annually, based on District evaluation of their Continuous Improvement Plans.

Assessment results obtained under this policy shall not be used for comparison purposes except as required by statute and State Department of Education regulations or internally, as authorized by the Superintendent or Board.

Cross Ref: 2120 School Improvement

R.C. 3301.13, 3301.132; A.C. 3301-35-02(E), 3301-35-07

Adopted: June 8, 1999

Revised: December 13, 2005

**STUDENT ASSESSMENT AND  
ACADEMIC INTERVENTION SERVICES**

The Governing Board 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 this Educational Service Center.

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 or more of the State-mandated tests, to the State Board of Education.

The Center 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 allows teachers, other educators, students, parents, and other members of the community to voice concerns about assessment practices; and
- E. establishing written procedures 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.

All identified disabled students in the School District shall be considered for participation in the State-mandated program for achievement testing. This consideration shall be addressed at individual I.E.P. conferences. The consideration for participation shall be made by the IEP Team. The extent of participation in and/or exemptions from the testing shall be delineated on the student's I.E.P. or on a document appended to the I.E.P.

At least annually, staff members will assess the academic achievement and learning needs of each student. Procedures for such assessments may include, but need not be limited to, teacher observation techniques, cumulative student records, student performance data collected through standard testing programs, and physical examinations.

# Policy

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“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."

"Ohio graduation tests" means "the achievement tests, aligned with academic content standards and model curriculum, designed to measure a student's level of academic achievement expected at the end of the tenth grade in writing, reading, mathematics, social studies, and science."

"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."

"Statewide tests" means "any assessment that is provided by the Ohio Department of Education (ODE) for use in all participating schools in the State."

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. This provision does not apply to any student receiving services pursuant to an individualized education program.

The Board shall require that:

- A. parents be informed of the testing program of the schools and of the special tests that are to be administered to their children;
- B. 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;
- C. the aggregate results of each school-wide, program-wide, and Center-wide test be made part of the public record.

The Board shall keep records for each student including the following:

- A. a unique State student identification code or a student data 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, and
- 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 Center 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 s/he take:

- A. the required assessments in the same manner as other students;
- B. the required assessments with accommodations appropriate for his/her disability; or
- C. an alternate assessment that has been approved by the State Department of Education.

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 Center-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 mentioned 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.

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 annually.

R.C. 3301; 3301.0790, 0710, 0711, 0714, 0715, 3313.608, 3313.608 (D), 3313.6012  
A.C. 3301-13, 3301-35

Adopted: January 12, 1999  
Reviewed: April 18, 2017

# **Policy**

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## **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 and second 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.

### **Definitions**

“On track” means any student who is reading at grade level based on previous end of year standards expectations by September 30<sup>th</sup>.

“Not on track” means any student who is not reading at grade level based on previous end of year standards expectations by September 30<sup>th</sup>.

### **Assessment of Reading Skills Program**

- A. An English language arts (ELA) diagnostic assessment, as approved by the Ohio Department of Education (ODE), shall be given by September 30<sup>th</sup> of each year for students in kindergarten through Grade 3.
- B. Diagnostic assessment results shall be translated to ODE’s definitions of “on track” and “not on track”. The Center 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 a reading deficiency with the child
  2. a description of current services provided to the student
  3. a description of proposed supplemental instruction services
  4. that the Ohio Achievement Assessment for third-grade reading is not the only

measure of reading competency, and

5. that unless the student attains the appropriate level of reading competency by the end of Grade 3, the student will be retained.

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- D. For each student identified to be “not on track”, the Educational Service Center shall:
  1. begin reading intervention immediately using research-based reading strategies targeted to the student’s identified reading deficiencies;
  2. develop a reading improvement and monitoring plan within sixty (60) days of learning of the reading deficiency;

### **Reading Improvement and Monitoring Plan**

The reading improvement and monitoring plan 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 instruction services that will target the student’s identified reading deficiencies;
- C. opportunities for the student’s parent/guardian to be involved in the instructional services;
- D. a process to monitor the implementation of the student’s instructional services;
- E. a reading curriculum during regular school hours that assists students to read at grade level, provides reliable assessments, and provides ongoing analysis of each student’s reading progress; and
- F. a statement that unless the student attains the appropriate level of reading competency by the end of Grade 3, the student will be retained.

Such intervention services shall include instruction in intensive, systematic phonetics pursuant to rules adopted by the State Board of Education.

### **Reporting Requirements**

All assessment results and determinations shall be compiled and maintained by the Center. The Center shall comply with all reporting requirements of Ohio’s Third Grade Reading Guarantee.

### **Promotion/Retention**

For any student who attains a score in the range designated by statute on the third-grade reading achievement test, the Center shall do one of the following:

- A. promote the student to fourth grade if the student’s principal and reading teacher agree that other evaluations of the student’s skill in reading demonstrate that the student is academically prepared to be promoted to the fourth grade;
- B. promote the student to fourth grade, but provide the student with “intensive” intervention services in fourth grade; or

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- C. retain the student in the third grade.

For any student who does not attain by the end of the third grade at least a score in the range designated by statute in the reading test prescribed under R.C. 3301.0710(A)(2)(c), the Center shall offer intensive remediation services during the summer following third grade.

Beginning with students who enter the third grade in the 2013-2014 school year, no student shall be promoted to the fourth grade who attains a score in the range designated by R.C. 3310.0710(A)(3) on the assessment prescribed to measure skill in English language arts (ELA) expected at the end of third grade unless one of the following applies:

- A. the student is a limited English proficient student who has been enrolled in United States schools for less than two (2) full school years and has had less than two (2) 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 this division; or
- C. the student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the Ohio Department of Education (ODE); 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 under Section 504 of the Rehabilitation Act of 1973, as amended, shows that the student has received intensive remediation in reading for two school years, but still demonstrates a deficiency in reading.
  - 4. The student previously was retained in any of grades kindergarten to three.

The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three. Any such student shall continue to receive intensive reading instruction in grade four. 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.

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 administrator.

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### **Intensive Remediation Services**

Remediation services for students on reading improvement and monitoring plans shall be research-based reading strategies that have been shown to be successful in improving reading among low-performing readers.

If a student has already been retained by the Third Grade Reading Guarantee, intervention services must include at least ninety (90) minutes of reading daily.

The Center shall provide the option for students to receive reading intervention services from one or more providers other than the Center. Both the Center and ODE 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.

This policy shall be reviewed and updated periodically as necessary.

R.C. 3301.079, 0710, .0711, .0714, .0715, 3313.608, 3313.608(D), 3313.6012  
A.C. 3301-13, 3301-35

Adopted: January 8, 2013

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