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**BOARD OF EDUCATION**  
**LICKING COUNTY EDUCATIONAL SERVICE CENTER**

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**ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS**

The Governing Board establishes the following residency policy for determining eligibility to attend the schools of this Educational Service Center.

Local Boards of Education shall provide tuition-free education for the benefit of children between the ages of five (5) and twenty-two (22) whose parents reside in the district and such others as may be eligible pursuant to Federal and/or State law and the policies of the Board, including disabled preschool children who are at least three (3) years of age but not of compulsory school age and who are not currently enrolled in kindergarten.

In addition the Board shall provide tuition-free education for the benefit of a child whose grandparent(s) resides in the district and who is the subject of either:

- A. a power of attorney designating the grandparent as the attorney of fact; or
- B. a caretaker authorization affidavit executed by the grandparent that provides the grandparent with the authority over the care, physical custody, and control of the child, including the ability to enroll the child in school, consent in all school related matters, and discuss with the district the child's educational progress.

In accordance with the State law, the grandparent shall be considered the "parent" of the child who is the subject of the power of attorney or caretaker authorization affidavit. The child may attend the schools of this district unless the power of attorney or caretaker authorization affidavit was created for the sole purpose of enrolling the child in the district so that the child may participate in the academic or interscholastic programs of this district, or another reason exists to exclude the child under State law. Additionally, the child may attend the schools of the district until the power of attorney or caretaker authorization affidavit terminates upon the occurrence of one (1) of the following events:

- A. one (1) year lapses following the date the document was notarized;
- B. the child ceases to reside with the grandparents;
- C. the document is terminated by court order; or
- D. either the child who is the subject of the document or the grandparent dies.

Additionally, the power of attorney terminates if it is revoked in writing by the person who created it. Further, the caretaker authorization affidavit terminates if the parent, custodian, or guardian of the child acts to negate, reverse, or otherwise disapprove of an action or decision of the grandparent(s) who signed the affidavit with respect to the child. It is the responsibility of the grandparent(s) to notify the district within one (1) week of the termination of the power of attorney or caretaker authorization affidavit.

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The Board reserves the right to verify for each student's residency and other conditions of eligibility for tuition-free education as well as the validity of the claim of any student to an education in the local district. In addition, if a student has recently been discharged or released from the custody of the Department of Youth Services (DYS) and is seeking re-admittance in the district, such students will not be admitted until records required to be released by DHS to the Superintendent have been received. Within twenty-four (24) hours of admission into the district, the Superintendent shall request a copy of the student's school records from the school the student most recently attended.

**Nonresident Eligibility for Tuition-Free Education**

- A. A child, otherwise eligible for attendance, whose parent has signed a contract to buy or build a house in this District and provides proper sworn statements explaining the situation shall be enrolled without payment of tuition for a period not to exceed ninety (90) days. (Such child shall also be eligible to participate in interscholastic athletics, if released by formal action of the district of current residency and the OHSAA. The Superintendent is authorized to determine the number of days). The parent shall provide the following:
1. a sworn statement explaining the situation, the location of the house being purchased or built, and stating the parent's intention to reside there upon its completion;
  2. a statement from the builder that the house is being built and its location or a statement from a real estate broker or bank officer confirming that the parent has a contract to purchase, that the parent is waiting upon a closing date, and that the house is at the location identified in the parent's sworn statement.

Such child shall also be eligible to participate in interscholastic athletics, if released by formal action of the district of current residency and the OHSAA.

- B. Children of a shared-parenting plan establishing both parents as "residential parents" when the child is residing with the parent, if one (1) parent resides in the local district. If a student resides in another school district but attends school in this district (where one parent resides), it is the obligation of the parents to provide transportation from the home of the nonresident parent; (Where a court has vested legal custody with only one (1) parent, the child is entitled to attend school tuition-free only in the district in which the custodial parent resides);
- C. A child under the age of eighteen (18) years of age who is married and resides in the local district;
- D. Students at least eighteen (18) but not over twenty-two (22) who support themselves by their own labor, live apart from their parents, reside in the Local District, and have not successfully completed the District's high school program or their I.E.P;

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- E. Children under the age of twenty-two (22), not in need of special education, who are residing with a resident grandparent who does not have legal custody, providing the Local Board of the child's district of residence enter into a written agreement specifying there is good cause for the transfer, describing the nature of the good cause, and consenting to the attendance; the grandparent(s) and, if possible, the custodial parent(s) must sign the consent form providing the necessary authorizations;
- F. Students who are considered by Federal law to be illegal aliens or considered to be homeless by State-established criteria;
- G. A child with a medical condition that may require emergency medical attention providing a Board a medical statement from the child's physician;
- H. A child, living with a resident other than a parent and whose parent is in the armed services outside the State of Ohio, providing the child's parent submits the appropriate affidavit stating that the parent is in the armed forces outside the State of Ohio, intends to reside in the District upon return to the State, and provides the name and address of the person with whom the child will reside. The child may attend school in the District tuition-free for a period not to exceed twelve (12) months. If the parent does not intend to reside in the District, the child may attend school as a tuition student only.
- I. A student who is living with a parent under the care of a shelter program for victims of domestic violence located in the district;
- J. A nonresident child who has been or is currently being placed for adoption with a resident of this district, unless the adoption has been terminated or another district is required to educate the child;
- K. Foreign exchange students participating in a bona fide foreign exchange program;
- L. Twelfth grade students whose parents move out of the district after the commencement of classes shall be allowed to attend school tuition-free for the remainder of the current year and one (1) additional semester;
- M. The Local Superintendent may allow a student to remain in school beyond the additional semester, if, in his/her opinion, the student is making adequate progress toward completion of the high school program or I.E.P. but, due to circumstances such as illness, personal hardship, family responsibilities, or the need to work part-time has been unable to complete the program or I.E.P. within the school year and/or one (1) additional semester;
- N. Natural or legally adopted children of full-time staff members who reside outside the local district provided proper application (and according to the terms of the negotiated agreements), prior to the first day of school, has been made;

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- O. The Local Board may enroll a child free of any tuition obligation for a period not to exceed sixty (60) days, on the sworn statement of an adult resident of the district that s/he has initiated legal proceedings for custody of the child. If the court fails to grant the adult resident custody, continued enrollment beyond the sixty days will be at the discretion of the Local Board. If enrollment continues, tuition shall be assessed in accordance with law. If the court awards custody to the adult resident, s/he shall produce the journal entry awarding custody and tuition shall be determined in accordance with State law and/or the court order;
  
- P. A non-resident student under the age of twenty-two (22) is entitled to attend school in the district if the superintendent of the student's district of residence and the Local Superintendent enter into a written agreement consenting to the attendance and specifying that the purpose of the attendance is to protect the student's physical or mental well being or to deal with other extenuating circumstances deemed appropriate by the Superintendent.

If the student is not receiving special education, there shall be no requirement for either district to provide transportation for the student.

Any student admitted to the district under this provision shall be allowed to participate in all district activities, including interscholastic athletics, on the same basis as any student who has attended the district's schools while of compulsory age.

In accordance with State law, the Board may also approve continued attendance, on a non-tuition basis, for the remainder of the school year for a child who becomes a nonresident at the time of a parent's death.

**Students Suspended or Expelled from Other District**

After offering an opportunity for a hearing, the Local Superintendent, at his/her discretion, may deny admission to a student who has been expelled from another school district, within or outside the State, for a period of unexpired time of the expulsion. When the expulsion from the other district has expired, the student is to be admitted providing all other eligibility requirements have been met.

**Mandatory Admission/Payment of Tuition**

The Local Board shall admit students who reside in the District, but whose parents do not reside in the District, and tuition payments shall be assessed pursuant to State law if:

- A. the student is in the legal or permanent custody of a governmental agency or a person other than his/her natural or adoptive parents;
  
- B. the student resides in a home as defined by State law;
  
- C. the student requires special education;
  
- D. the child resides in the District and the child's parent is in a residential facility, correctional facility, or juvenile placement and the other parent, if living and not in such a facility or placement, is not known to reside in this State.

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If the Local District admits a student to the district who is not otherwise entitled to attend or whose attendance tuition is not an obligation of another district, the Local Board shall collect tuition from the student's parent(s).

The Local Superintendent should develop administrative guidelines for the enrollment of nonresident children. These guidelines should include:

- A. admit such children only on the proper application of the parent or guardian;
- B. release by the Board of Education of residency, if required; and the approval of the Board;
- C. do not exclude any child, otherwise eligible, on the basis of such child's race, creed, color, national origin, ancestry, or disability;
- D. verify claims of residency;
- E. deny admission where the educational program maintained for the children of this District is inadequate to meet the needs of the applicant;
- F. make continued enrollment of any nonresident, regular-education student contingent upon maintaining good standards of citizenship and discipline.

The Superintendent shall:

- A. recommend to the Board for their approval the admission of qualified student applicants.
- B. report to the Board for its information and consent the enrollment of each nonresident student.

Tuition rates shall be determined as required by Ohio Statutes.

Tuition shall be charged monthly, in advance of attendance.

R.C. 3313.66, 3313.661, 3321.13 (B) (3) and (C),  
20 USC 3351, 18 USC Section 981 - The Gun Free Schools Act of 1994  
R.C. 3313.20, 3313.48, 3313.64, 3313.645, 3313.649, 3313.66, 3313.90, 3313.97, 3313.71  
R.C. 3313.713, 3313.08, 3313.081, 3321.01(B) 3321.03, 3323.141  
R.C. 3327.04, 3327.05(A)(B), 3327.06, 2152.18, 5139.05, 3313.672, 3313.533  
A.C. 3301-42-01, 42 U.S.C., 11421

Adopted: November 10, 1999

Revised: October 11, 2005

### **HOMELESS STUDENTS**

Children who meet the Federal definition of "homeless" will be provided a free and appropriate public education in the same manner as all other students of the District. To that end, homeless students will not be stigmatized or segregated on the basis of their status as homeless and will be assigned to the school serving those non-homeless students residing in the area in which the homeless child is actually living. No homeless student will be denied enrollment based on a lack of proof of residency. No Board policy, administrative guideline, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of homeless children.

Homeless children and youth are defined as individuals who lack a fixed, regular, and adequate residence, and include those who meet Federal and State laws pursuant to migratory children.

Homeless students will be provided services comparable to other students in the District including:

- A. transportation services;
- B. educational services for which the homeless student meets eligibility criteria including services provided under Title I of the Elementary and Secondary Education Act or similar State and local programs, educational programs for children with disabilities, and educational programs for students with limited English proficiency;
- C. programs in vocational and technical education;
- D. programs for gifted and talented students; and
- E. school nutrition programs.

Homeless preschool aged children and their families shall be provided equal access to the educational services for which they are eligible.

Homeless students shall be enrolled immediately, even if they do not have the necessary enrollment documentation such as immunization and health records, proof of residency or guardianship, birth certificate, school records, and other documentation usually required by the school.

Homeless students have the right to remain in their school of origin of the local attendance area school, according to the child's best interest. The school of origin is the school that the student attended when permanently housed or last enrolled. The local attendance area school is any public school that non-homeless students who live in the attendance area in which the student is actually living are eligible to attend.



Homeless students will be provided services comparable to other students in the District including:

- A. transportation services;
- B. educational services for which the homeless student meets eligibility criteria including services provided under Title I of the Elementary and Secondary Education Act or similar State and local programs for children with disabilities, and educational programs for students with limited English proficiency;
- C. programs in vocational and technical education;
- D. programs for gifted and talented students;
- E. school nutrition programs; and
- F. before and after school programs.

The Superintendent shall appoint a Liaison for Homeless Children who will perform the duties as assigned by the Superintendent. Additionally, the Liaison will coordinate and collaborate with the State Coordinator for the Education of Homeless Children and Youth as well as with community and school personnel responsible for the provision of education and related services to homeless children and youths.

42 U.S.C. 11431 et seq. (McKinney – Vento Homeless Act)

Adopted: January 9, 2007  
Revised: January 18, 2011

**EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN**

Children of an active duty member of the United States armed services shall be entitled to all rights and protections afforded under the Interstate Compact on Educational Opportunity for Military Children.

The intent of this policy is to minimize the potential challenges to educational success for children of military families because of frequent moves and deployment of their parents by:

- A. facilitating the timely enrollment and placement of children of military families in educational and other school programs and activities;
- B. facilitating the on-time graduation of children of military families; and
- C. providing for the uniform collection and sharing of information between and among schools and military families.

The Superintendent shall maintain guidelines for implementation of this policy which are consistent with the Compact and State law.

R.C. 3301.60 Interstate Compact on Educational Opportunity for Military Children

Adopted: January 18, 2011  
Revised:

**ENTRANCE REQUIREMENTS**

The Governing Board shall encourage participating districts to establish entrance age requirements for students which are consistent with statute and sound educational practice and which ensure the equitable treatment of all eligible children.

**Kindergarten:** A child is eligible for entrance into kindergarten if s/he attains the age of five on or before September 30<sup>th</sup> of the year in which s/he applies for entrance. A child under age six (6) who is enrolled in kindergarten will be considered of compulsory school age.

Chronological age shall be the sole determining factor for admission of resident children into kindergarten.

The Board may admit to kindergarten such children as may be ineligible by reason of age but demonstrate the ability and need to undertake a program of education.

The Board will designate the necessary standards and testing programs required for such early admission.

The Board will admit to kindergarten any child who has not attained the entrance age requirement of this District, but who was properly enrolled in an approved public school kindergarten before transferring to this District.

There will be a four (4) week trial period at the beginning of the school year when early entrance students will be carefully observed by the teacher.

If the District is providing an all-day kindergarten program at a school, a parent may enroll his/her child in only a minimum-day portion of that program without penalty.

**First Grade:** A child is eligible for entrance into first grade if s/he attains the age of six (6) on or before September 30<sup>th</sup> of the year in which s/he applies for entrance and has completed the kindergarten program of this District or an equivalent program elsewhere and has been recommended by the teacher for advancement to the first grade. This requirement may only be waived if a request is made and approved by the District's Pupil Personnel Services Committee.

The Superintendent shall require that each child who registers for entrance to school provide:

- A. his/her birth certificate or similar documentation authorized by law as proof of age and birthdate;
- B. a certified copy of any custody order or decree together with any modification in such an order or decree.

If such documents are not provided, the child may be admitted under the Superintendent's guidelines. Appropriate law enforcement authorities may be notified.

The Superintendent shall also ensure that each child entering the District's kindergarten or first grade program for the first time has been properly screened for any medical or health problems as well as those related to hearing, vision, speech and communications. The cost for such screening shall be paid by the District and/or the parents.

Any parent may provide the District with a written statement indicating that s/he does not wish to have his/her child screened.

R.C. 3313.64, 3313.641, 3313.672, 3313.673, 3321.01 et seq., 3321.05, 3323.01  
A.C. 3301-35-03 (F)

Adopted: December 14, 2004

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## INTER-DISTRICT OPEN ENROLLMENT

The Governing Board shall encourage participating district boards to permit the enrollment of students from any Ohio district in a school or program of this District, provided each enrollment is in accordance with laws and regulations of the State concerning Inter-District Open Enrollment, the provisions of this policy, and the administrative guidelines established to implement this policy.

The following definitions shall apply:

**Home District:** The school district from which the student emanates.

**Open Enrollment:** State-mandated options, policies, and regulations concerning the Board's authority to adopt resolutions regarding intra-district and inter-district enrollment policies and guidelines. Inter-district open enrollment permits the admission of students to this District from districts adjacent to it.

**District Student:** A student who resides in this District and is referred to in the statute as a Resident Native Student.

**Tuition Student:** A nonresident student who is enrolled in this District on a tuition basis. Applications from tuition students shall be given priority over Open Enrollment students from districts.

**Program:** Any one of the specific course offerings of this District.

**Program Size:** The restrictions on a number of students in a program due to circumstances unique to that specific program and/or financial or operating conditions of the District.

**Racial Balance:** "Racial" refers to minorities in national statistics classified as African-American, Asian-American, Hispanic-American, or Native-American students. "Balance" refers to the percentage of "racial" students in a District program, classroom, or school.

**Racially Isolated Building:** A racially isolated building refers to a School District building in which the racial composition of the students varies significantly from the overall composition of the School District.

**Maintaining Appropriate Racial Balance:** Given our diverse society and the importance of preparing students for education, work, and citizenship, the Board is committed to providing students with equal educational opportunities, promoting educational diversity in the District, and providing students with the educational benefits of a diverse student body. To that end, the Board will give individual consideration to each applicant seeking enrollment under this policy, so that all factors that may contribute to student body diversity are meaningfully considered in admissions decisions. It is the intent of the Board to maintain an appropriate racial balance as required by law.

Should a concern arise regarding racial balance in one or more of the District's schools, the Superintendent shall consult with legal counsel to determine the appropriate steps that should be taken, including, but not limited to, any necessary policy revisions and other actions necessary to comply with State and Federal law. The Superintendent shall then make the appropriate recommendations to the Board. It should be noted that as of September, 2004, there are no racially isolated buildings within the School District.

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The Superintendent shall prepare guidelines for the implementation of this policy in ways that comply with relevant State laws and guidelines and establish procedures that provide for the following:

- A. Nondiscrimination on the basis of grade level, including preschool disabled; academic ability; English language proficiency; or any level of artistic, athletic, or extra-curricular skills. A student's application cannot be denied because of disciplinary action in his/her home school, except for a suspension or expulsion for ten (10) days or more that occurs in the current semester or the semester immediately preceding the application. If the District does not currently provide services required for a disabled, adjacent-district student, his/her application may be denied.
- B. Application procedures including the criteria by which applications from adjacent-district and other-district students shall be reviewed and prioritized. District students and any adjacent-district or other-school district students previously enrolled under the provisions of this policy shall be given priority.
- C. Maintenance of appropriate racial balance in District schools, classrooms, and programs.
- D. Communications with applicants and their parents concerning this policy and the District's guidelines, including the timelines for application and notification of acceptance or rejection.
- E. Athletic eligibility complies with State regulations and the provisions set forth by the Ohio High School Athletic Association.
- F. Any transportation provided by the District for an adjacent-district student takes place within established bus routes and bus stops within the District.
- G. Set District capacity limits by grade level, school building, and educational program.

The Board reserves the right to object to the Open Enrollment of a District student to another district in order to maintain an appropriate racial balance. If the Board of Education of a student's home school district objects to a transfer of one of its students to this District for the same reason, this Board will deny the transfer unless the tuition fee is paid for the student.

This policy shall be reviewed annually by the Board to determine whether to adopt a resolution to continue the policy or to rescind Inter-District Open Enrollment. Additionally, the Superintendent shall annually review the level of diversity existing within the District's programs, grades and/or schools to assess whether the application of this policy has resulted in an adverse effect on racial balance. As a part of his/her review, the Superintendent will be responsible for determining whether there is a legal basis for the Board to use the "maintenance of appropriate racial balance" language of R.C. 3313.98. Should this review indicate that the racial balance in one or more of the District's programs, grades and/or schools has been adversely affected, the Superintendent shall consult with legal counsel to determine what, if any, appropriate steps should be taken, including, but not limited to, policy revisions or other actions necessary to comply with State and Federal law. The Board reserves the right to modify the conditions under which Inter-District Open Enrollment would continue for any particular program, classroom, or school.

R.C. 3313.98

Adopted 5/12/93  
Revised 8/17/04

**SCHOOL CHOICE OPTIONS PROVIDED BY NCLB ACT**

The LCESC Governing Board encourages participating Boards of Education to acknowledge that the Federal *No Child Left Behind Act of 2001 ("NCLBA")* provides that the parents/guardians of students enrolled in a Title I school that has been listed for "School Improvement" for two (2) or more years, have the right to transfer their children to another school in the District, provided there is a school that provides instruction at the students' grade level(s) and such school has not been identified as being in the process of school improvement, corrective action, or restructuring. If there is not another school in the District offering instruction at the students' grade level(s) that has not been identified as needing improvement, the Superintendent shall contact neighboring districts and request that they permit students to transfer to a school in one of those districts. The Superintendent shall also offer Supplemental Educational Services (SES) if a transfer within the District is not possible.

Additionally, students attending a "persistently dangerous" school, as defined by State law have the right to transfer to another "safe" school in the District. If there is not another "safe" school in the District providing instruction at the students' grade level(s), the Superintendent shall contact neighboring districts and request that they permit students to transfer to a school in one of those districts.

Furthermore, a student who is a victim of a "violent crime" on school property also has the right to transfer to another school. If there is not another school in the District providing instruction at the student's grade level, the Superintendent shall contact neighboring districts and request that they permit that student to transfer to a school in one of those districts providing instruction at the student's grade level.

The Board of Education authorizes such transfers in accordance with AG 5113.02.

Children who transfer in accordance with this policy will be permitted to remain at the school of transfer until completing the highest grade at the school.

Title I, Section 1116(b)(1)(E) of the No Child Left Behind Act of 2001

Title I, Section 1116(e) of the No Child Left Behind Act of 2001

Title IX, Section 9532 of the No Child Left Behind Act of 2001

Adopted: December 14, 2004

**WITHDRAWAL FROM SCHOOL**

The Governing Board affirms that, while statute requires attendance of each student until eighteen (18) years of age, it is in the best interests of both students and the community that they complete the educational program that will equip them with skills and increase their chances for a successful and fulfilling life beyond the schools.

The Board shall direct that whenever a high school student wishes to withdraw, effort should be made to determine the underlying reason for such action and the resources of the District should be used to assist the student in reaching his/her career goals. No student under the age of eighteen (18) will be permitted to withdraw without the written consent of a parent and in compliance with State law.

Whenever a student under the age of eighteen (18) withdraws from school without moving out of State, transferring to another approved school, being granted an age and schooling certificate, or enrolling in and attending an approved program, the Superintendent shall notify the Registrar of Motor Vehicles and the Judge of the Juvenile Court.

Such notification is to be given within two (2) weeks after the Superintendent confirms the student is not properly enrolled in and attending another approved school or program or has moved out of State.

The Superintendent shall ensure, through administrative guidelines, that proper procedures are established so that such notification complies with the provisions of R.C. 3321.13 (B)(1).

The Superintendent shall advise local superintendents on developing administrative guidelines for withdrawal from local high school which:

- A. make counseling services available to any high school student who wishes to withdraw permanently;
- B. help the student define his/her own educational life goals and help plan the realization of those goals;
- C. inform the student of alternative programs;
- D. advise students of their right to return prior to their twenty-second (22nd) birthday;
- E. assure the timely return of all District-owned supplies and equipment in the possession of the student.

R.C. 3321.13

A.C. 3301-41-01, 3301-43-01, 3301-35-03 (F)

Adopted: November 10, 1999

Revised: September 9, 2014

**ATTENDANCE**

The Governing Board requires that pupils enrolled in the schools of this District attend school regularly in accordance with the laws of the state. The educational program offered by Local Districts is predicated upon the presence of the student and requires continuity of instruction and classroom participation. Attendance shall be required of all students enrolled in the schools during the days and hours that the school is in session or during the attendance sessions to which s/he has been assigned, except for reasons delineated in Board Policy 5201.

In accordance with statute, the Superintendent shall require, from the parent of each student or from an adult student who has been absent from school or from class for any reason, a written statement of the cause for such absence.

The Board considers the following factors to be reasonable excuses for time missed at school (each with a written statement for reasons of the absence):

- A. personal illness (a written physician's statement verifying the illness may be required if beyond three days);
- B. illness in family necessitating presence of the child
- C. recovery from accident
- D. required court attendance
- E. death in the family
- F. observation or celebration of a bona fide religious holiday
- G. necessary work at home due to absence or incapacity of a parent(s)/(guardian(s))

The Governing Board may report to appropriate authorities any infractions of the law regarding the attendance of students below the age of 18.

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

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

Legitimate excuses for the absence of a student who is otherwise habitually truant include that a student was enrolled in another center, the student was excused from attendance in accordance with R.C. 3321.04, or the student received an age and schooling certificate.



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

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

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

Whenever any student of compulsory age has missed sixty (60) or more consecutive school hours in a single month or a total of ninety (90) or more hours of unexcused absence from school during the school year, s/he will be considered habitually absent. The Board authorizes the Superintendent to inform the student and his/her Parent, guardian(s), or custodian of record of excessive absence as well as the Center's intent to notify the Registrar of Motor Vehicles, if appropriate, and the Judge of the Juvenile Court of the student's excessive absence.

R.C. 3313.664, 3317.034, 3321.01 et seq., 3321.13(B)(2), 3321.19, 3321.191, 3321.22, 3321.38, 3331.05; 3313.664; A.C. 3301-35-03(G), 3301-47-01, 3301-69-02

Adopted: March 8, 1983  
Revised: April 18, 2017

**EQUIVALENT EDUCATION OUTSIDE THE SCHOOLS**  
**HOME EDUCATION POLICY**

The Governing Board encourages the enrollment of all school age children residing in this District in public schools or in approved parochial or private schools so that they may enjoy the benefits of a well-planned educational program and the socialization possible in a group environment.

The Board recognizes its responsibility for assuring that every resident school-age child is enrolled in an approved school or is offered an equivalent education elsewhere and designates the Superintendent to act in its behalf.

All requests to educate a child in an equivalent education (home education or home schooling) program are to be submitted to the Superintendent of Residence or his/her designee.

The Superintendent of Residence may excuse from compulsory attendance, pursuant to Chapter 3301-34 *Rules for Excuses from Compulsory Attendance for Home Education* for not more than one school year at a time, any school age child. A parent who selects to provide Home Education shall supply the following information to the Superintendent of Residence or his/her designee:

- A. Applicable school year;
- B. Parent's name and address (telephone optional);
- C. Name and address (telephone optional) of person(s) who will teach child(ren);
- D. Child's full name and date of birth;
- E. Assurance that home education will include language; reading; spelling and first aid, safety, and fire prevention, except that home education shall not be required to include any concept, topic, or practice that is in conflict with the sincerely held religious beliefs of the parent;
- F. Brief outline of intended curriculum for current year;
- G. List of textbooks, correspondence courses, commercial curricula, or other basic teaching materials that the parent intends to use;
- H. Assurance that the child will be provided a minimum of 900 hours of home education each school year;
- I. Assurance that the home education teacher has one of the following:
  1. High school diploma;
  2. Certificate of high school equivalence;

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3. Standardized test scores that demonstrate high school
  4. Other equivalent credentials found appropriate by the Superintendent; or
  5. The home teacher must work under the direction of a person holding a baccalaureate degree until the child's test results demonstrate reasonable proficiency or until the teacher obtains a high school diploma or certificate of equivalence;
- J. Signature of parent affirming information supplied.
- K. If this is a request for continued Home Education, the parent(s) shall also provide an academic assessment report for the previous school year per 3301-34-04 Rules for Excuse from Compulsory Attendance for Home Education.

After review of the information submitted, the Superintendent of Residence will notify the parent(s) of the status of their request.

Adherence to the above provisions does not excuse the child from meeting local district entrance and placement requirements if and when he/she would be enrolled in the district of residence.

The Superintendent of Residence shall establish forms and guidelines that ensure compliance with this policy / State Rules and that each staff member is made aware of these standards.

R.C. 3321.03, 3321.04  
A.C. 3301-34

Adopted: February 8, 1983  
Revised: June 7, 2016

**TRUANCY**

The Governing Board endeavors to reduce truancy through cooperation with parents, diligence in investigating the causes of absence and use of strict guidelines in regard to tardiness and unexcused absence.

When the Board determines that a student has been truant and that the parent, guardian or other person having care of a child has failed to ensure the child's attendance at school, State law authorizes the Board to require the parent to attend a specified educational program.

This program has been established according to the rules adopted by the State Board of Education for the purpose of encouraging parental involvement in compelling the child's attendance at school.

On the request of the Superintendent, or when it comes to the attention of the school attendance officer or other appropriate officer of the District, the designated officer must investigate any case of supposed truancy within the District and must warn the child, if found truant, and the child's parent in writing of the legal consequences of being a "habitual" or a "chronic" truant.

A "habitual" truant is any child of compulsory school age who is absent without a legitimate excuse from the public school the child is supposed to attend for five or more consecutive school days, seven or more school days in one month or twelve or more school days in a school year.

A "chronic" truant is a delinquent child (under the delinquency statute) under Section 2105.02 (E) of the Ohio Revised Code, depending upon the facts of the case. Any child of compulsory school age who is absent from the public school the child is supposed to attend without legitimate excuse for seven or more consecutive school days, ten or more school days in one month or fifteen or more school days in a school year.

The parent is required to have the child attend school immediately after notification. If the parent fails to get the child to attend school, the attendance officer or other appropriate officer, if directed by the Superintendent or the Board, must send notice requiring the child's parent to attend a parental education program.

For the correction of the "habitually truant" unruly child, the courts may now order the Board to require the child to attend an alternative school if one has been established.

The courts may order the "habitually truant" child not to be absent without legitimate excuse from school for five or more consecutive days, seven or more school days in one school month or twelve or more school days in a school year.

Regarding "habitual" truants, the Board must take as an intervention strategy any appropriate action contained in the Board policy, or the Board may file a complaint in juvenile court jointly against the child and the parent. The complaint must state that the child is an "unruly child" by virtue of being a "habitual truant", and that the child's parent violated the School Attendance Law.

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Regarding "chronic" truants, if the parent fails to get the child to school and the child is considered a "chronic" truant, the Board must file a complaint in the juvenile court jointly against the child and the parent. The complaint must state that the child is a "delinquent child" by virtue of being a "chronic" truant, and that the parent has violated the School Attendance Law.

The Board directs the administration to develop intervention strategies that may include the following:

1. providing a truancy intervention program for a habitual truant;
2. providing counseling for a habitual truant;
3. requesting or requiring a parent having control of a habitual truant to attend parental involvement programs;
4. requesting or requiring a parent of a habitual truant to attend truancy prevention mediation programs;
5. notification to the Registrar of Motor Vehicles or
6. taking appropriate legal action.

Refs: ORC 3321.03-04; 3321.07-09; 3321.22; 3321.38, 3313.663  
Section 2151.02 (E), 2151.022 (C)

Adopted: February 13, 2001  
Revised: February 17, 2015

**MISSING AND ABSENT CHILDREN**

It is the interest of this Governing Board to cooperate with local, State, and National efforts to decrease the number of missing children.

The Superintendent is instructed to promulgate administrative information to accomplish the following:

- A. develop Informational Programs for students, parents, and community members relative to missing children issues and matters.
- B. consider admittance of a student lacking records into the school followed by notification of the police rather than refusing entrance and notification of authorities. Such a procedure may reduce the risk of removal of the student from the area.
- C. utilize materials from the State Department of Education for the Informational Program.

Cross Ref: 2602 Preschool Missing Children Policy

R. C. 109.65 (Information bulletins regarding Missing Children)

R.C. 3313.205 (Notice of student's absence from school)

R.C. 3313.672 (New pupil to present school records, custody order if applicable, birth certificate)

R.C. 3313.96 (Informational programs relative to missing children, fingerprinting program)

R.C. 3319.321 (Confidentiality of student information, law enforcement and military recruitment)

R.C. 3319.322 (Photographer to provide copies for school file)

Adopted: September 7, 1999

Revised: May 8, 2001

**RELEASED TIME FOR RELIGIOUS INSTRUCTION**

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

Students may be provided “released time” from school to attend a course in religious instruction conducted by a private entity off Educational Service Center property, provided that the following requirements are met, such students will not be counted absent when the:

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

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

Students shall not be excused from a core curriculum subject course to attend Released Time instruction.

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

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

Attorney General’s Opinion 88-001

Adopted: August 9, 2016

**RELEASING A STUDENT**

The Governing Board encourages the enrollment of all school age children residing in participating districts in public schools or in approved parochial or private schools so that they may enjoy the benefits of a well-planned educational program and the socialization possible in a group environment.

The Board recognizes its responsibility for assuring that every resident school-age child is enrolled in an approved school or is offered an equivalent education elsewhere and designates the Superintendent to act in its behalf.

If one parent has been awarded custody of the student in a divorce or separation agreement, the parent in custody as defined in statute shall inform the school in writing of any limitations in the rights of the non-custodial parent. If no notice is provided, the school will presume that the student may be released into the care of either parent.

No student shall be released from school without proper authorization from the custodial parent.

R.C. 3313.20 3313.64

Adopted: December 14, 2004



**ARRIVAL OF STUDENTS**

The Governing Board recognizes that in providing the educational program for the children of its participating districts, it assumes the responsibility for the safety of students while they are in the facilities provided in furtherance of that program.

To that end the Board directs the administration to set arrival times consistent with bus arrivals and inform parents that students will not be permitted to enter the school building prior to the scheduled arrival time of the first school bus in the morning, unless there is inclement weather and a school staff member is present to help supervise them.

Adopted: December 14, 2004

**HEALTH SERVICES**

The Governing Board may require that students of the Center submit to periodic health examinations to:

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

The Center may provide or require parents to provide dental examinations, tests for communicable disease, vision and/or audiometric screening, and scoliosis exams.

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

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

Unless the physical examination or screening is permitted or required by an applicable State law, parents may refuse to allow the Board to administer a nonemergency, invasive physical examination or screening upon written notification to the LCESC within 10 days after receipt of the ESC’s annual public notice.

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

- A. The student’s condition is assessed by a physician or other healthcare provider authorized by a Board, in accordance with requirements set forth in R.C. 3313.539 (E)(2) to assess such a student.
- B. The student receives written clearance that it is safe to return to physical education class, athletic practice, or competition, from a physician or other healthcare provider authorized by the Board in accordance with the requirements set forth in 3313.539(E)(2) to grant such a clearance.

R.C. 2305.231, 3313.50, 3313.68 et seq.; 3313.539; A.C. 3301-35-03 (D), 20 U.S.C. 1232(h)

Adopted: December 14, 2004;

Revised: March 17, 2014

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## **IMMUNIZATION**

In order to safeguard the school community from the spread of certain communicable diseases and in recognition that prevention is a means of combating the spread of disease, the Governing Board requires all students to be immunized against polio myelitis, measles, diphtheria, rubella (German measles), pertussis, tetanus, mumps, and others legally designated in accordance with State statutes, unless specifically exempt for medical or other reasons. The Board requires that students who start kindergarten during or after the beginning of the school year in 1999 be immunized against Hepatitis B or be in the process of being immunized. The Board also requires that students who start kindergarten during or after the school year beginning in 2006 be immunized against chicken pox. The Board further requires that students enrolled in grades 7 through 12 during or after the school year beginning in 2016 be immunized against meningococcal disease in accordance with the administration procedures prescribed by the Ohio Department of Health. This policy pertains to both students who currently attend school in the Local District and those attending preschool.

The Superintendent may exempt a student from being immunized against either or both measles and mumps if the student presents a signed statement from a parent or physician indicating s/he has had measles or mumps and does not need to be immunized. The student will be allowed to attend school only if a physician's statement indicates there is no danger of contagion. In case of an outbreak of the disease for which the student has not been immunized or an epidemic, the Superintendent shall not allow the student to attend school.

In the case of a chicken pox epidemic in the school's population, the Superintendent may deny admission to a student otherwise exempted from chicken pox immunization requirement. The Superintendent shall prescribe methods whereby the academic standing of a student who is denied admission during a chicken pox epidemic is preserved.

The Superintendent may also exempt a student from immunization if a physician certifies in writing that immunization from a particular disease is medically contra-indicated.

A student may also be exempted from immunization if a parent or guardian objects for good cause, including religious conviction. The Board may allow a student to attend school who has not been immunized because of such an objection.

A student who has not completed immunization may be admitted to school provided the necessary immunizations are being received in the timeliest manner consistent with the approved immunization schedule and good medical practice.

The Board believes that immunization is the primary responsibility of the parent(s). For the students who do not have ready access to private or public health services, immunizations may be provided at public expense and the Board may apply to the Board of Health for funding thereof.

Any immunization program conducted by the Center requires prior approval of the Superintendent and can only extend to those immunizations provided for by statute and guidelines of this Board.

R.C. 3313.67, 3313.671, 3313.671(B)

Adopted: November 10, 1999; Revised: March 8, 2016

**USE OF MEDICATIONS**

The Governing Board shall not be responsible for the diagnosis and treatment of student illness. With the exception of diabetes care covered in Policy 5336, the administration of prescribed medication and/or medically-prescribed treatments to a student during school hours will be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication or treatment were not made available during school hours, or if the child is disabled and requires medication to benefit from his/her educational program.

For purposes of this policy, "medication" shall include all medicines including those prescribed by a physician and any nonprescribed (over-the-counter) drugs, preparations, and/or remedies. "Treatment" refers both to the manner in which a medication is administered and to health-care procedures which require special training, such as catheterization.

Before any medication or treatment (prescribed or non-prescribed) may be administered to any student during school hours, the Board shall require the prescription in its original container from the child's physician accompanied by the written authorization of the parent (see Form 5330 F1, 5330 F1a, and Form F1b). This document shall be kept on file in the office of the building administrator or nurse and made available to the person(s) designated by this policy as authorized to administer, within the classroom or office, medication(s) or treatment(s). No student is allowed to provide or sell any type of over-the-counter medication to another student. Violations will be considered violations of Policy 5530 – "Drug Prevention" and of the Student Conduct Code and/or local school Code of Conduct, if housed at a participating school district facility.

A parent/guardian/legal custodian must also authorize any self-medication by the student on the appropriate school form. Before any nonprescribed medication or treatment may be administered, the Board shall require the prior written consent of the parent along with a waiver of any liability of the district for the administration of the medication. No student is allowed to provide or sell any type of over-the-counter medication, or "look-a-likes", to another student. Violations to this rule will be considered violations of Policy 5530 as mentioned above and of the Student Code of Conduct of the ESC Programs and/or local school Code of Conduct, if housed at a participating school district facility.

Only medication in its original container labeled with the date (if a prescription), the student's name, and exact dosage will be administered. Parents may administer medication or treatment, but only in the presence of a designated school employee.

Additionally, students may administer medication or treatment to themselves, if authorized in writing by their parents and a licensed health professional authorized to prescribe drugs, but only in the presence of a designated school employee. Students who may require administration of an emergency medication may have such medication, identified as aforementioned, stored in a locked cabinet or desk as assigned by the building administrator and dispensed in accordance with this policy. Students with diabetes authorized to attend to their diabetes care and management may do so in accordance with Policy 5336.

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However, students shall be permitted to carry and use, as necessary, an asthma inhaler, provided the student has prior written permission from his/her parent and physician and has submitted Form 5330 F3, Authorization for the Possession and Use of Asthma Inhalers, to the principal or teacher in charge and any school nurse assigned to the building.

**With the exception of diabetes care covered under Policy 5336**, only Employees of the Board who are licensed health professionals or who have completed a drug administration training program conducted by a licensed health professional and are designated by the Superintendent may administer prescription drugs to students in school.

**With the exception of diabetes care covered under Policy 5336**, provided they have completed the requisite training, the following staff members are authorized to administer medication and treatment to students: nurse, teacher, principal, director, supervisor, aide, secretary, and substitute personnel, or individuals completing training in medication/treatment procedures and certified in first aide, in such capacities and others as designated by the student's IEP and /or 504 plan.

All dental disease prevention programs, sponsored by the Ohio Department of Health and administered by school employees, parents, volunteers, employees of local health districts, or employees of the Ohio Department of Health, which utilize prescription drugs for the prevention of dental disease and which are conducted in accordance with the administrative guidelines of the Ohio Department of Health are exempt from all requirements of this policy.

The Superintendent shall prepare administrative procedures, as needed, to address the proper implementation of this policy.

R.C. 3313.711, 3313.712, 3313.713, 3313.7110, 3313.716, 47, 3313.718, 29.01

Adopted: November 10, 1999

Revised: December 9, 2014

**PROCUREMENT AND USE OF EPINEPHRINE AUTO INJECTION IN  
EMERGENCY SITUATIONS**

In accordance with the state law, the Governing Board shall procure epinephrine auto-injections for use in emergency situations. Epinephrine is a prescription drug used to treat life-threatening allergic reactions caused by insect bites or stings, foods, medications, latex, and other causes. The Board shall adopt Policy and the Superintendent shall set procedures, alternatively termed "Administrative Guidelines," governing the maintenance and use of epinephrine auto-injection. The Superintendent shall consult with a licensed health professional who is authorized to prescribe drugs ("Prescriber") when developing Policy / Administrative Guidelines.

The Superintendent's policy/Administrative Guidelines shall:

- A. Identify location(s) in school buildings where epinephrine auto-injection shall be stored;
- B. Specify the conditions under which epinephrine auto-injection must be stored, replaced, and disposed of;
- C. Specify the individuals employed by or under contract with the Board, in addition to a licensed registered nurse, who may access and use epinephrine auto-injection in emergency situations;
- D. Specify the training that Board employees or contractors (besides registered nurses) must complete before being authorized to access and use epinephrine auto-injection;
- E. Identify the emergency situations when an individual exhibits signs and symptoms of anaphylaxis in which a nurse, athletic trainer, or other trained employee/contractor may access and use an epinephrine auto-injection;
- F. Specify that assistance from an emergency medical service provider (911) must be requested immediately after an epinephrine auto-injection is used; and
- G. Specify individuals, in addition to students, employees, contractors and visitors, to whom a dosage of epinephrine may be administered through an epinephrine auto-injection in an emergency situation.
- H. Specify that when there are expired dates on the stored epinephrine auto-injection that they be removed properly.

Each Building Principal shall endeavor to maintain at least two (2) epinephrine auto-injection of both prescribed doses in their building. In procuring epinephrine auto-injections, the Board will accept donations of epinephrine auto-injection from wholesale distributors of dangerous drugs or manufacturers of dangerous drugs, as well as donations of money from any person to purchase epinephrine auto-injection. The Superintendent shall report to the Ohio Department of Education ("O.D.E."), each procurement of epinephrine auto-injection and each occurrence in which an epinephrine auto-injection is used from the Educational Service Center's supply.

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In order to facilitate the use of an Epi-Pen in an emergency situation pursuant to the policy, the Board will procure Epi-Pens by either (1 having a licensed health professional authorized to prescribe drugs, acting in accordance with State laws, personally furnish the Epi-Pens to the Center or issue a prescription for them in the name of the Center, or (2 having the Superintendent obtain a prescriber issued protocol that includes definitive order for Epi-Pens and the dosage of epinephrine to be administered through them). If the Superintendent obtains prescriber issued protocols, he will retain the original protocol and provide a copy of it to each Building Principal of each school at which Epi-Pens are maintained in accordance with this policy.

In accordance with Ohio Law, the Board, and its members, employees, contractors and licensed health professional authorized to prescribe drugs who personally furnishes or prescribes Epi-Pens, consults with the Superintendent, or issues a protocol, shall not be liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using Epi-Pens in emergency situations as provided by this policy, unless the act of omission constitutes willful or wanton misconduct.

R.C. 3313.7110, 4723.483, 4729.01, 4729.432, 4731.96

Adopted November 11, 2014  
Revised: February 14, 2017

### **CARE OF STUDENTS WITH DIABETES**

The Governing Board is committed to ensuring that each student enrolled in the Educational Service Center who has diabetes receives appropriate and needed diabetes care in accordance with an order signed by the student's treating physician.

The diabetes care to be provided includes any of the following:

- A. checking and recording the blood glucose levels or assisting the student with checking and recording these levels;
- B. responding to blood glucose levels that are outside of the student's target range;
- C. administering or assisting the student in self-administering insulin through the insulin delivery system the student uses;
- D. providing oral diabetes medication;
- E. understanding recommended schedules and food intake for meals and snacks in order to calculate medication dosages pursuant to the student's physicians order;
- F. following the physicians instructions regarding meals, snacks and physical activity; and
- G. administering diabetes medication, as long as the conditions described below are satisfied.

Within fourteen (14) days after the Center receives an order signed by the student's physician, the Board will inform the student's parent or guardian that the student may be entitled to a Section 504 Plan regarding the student's diabetes.

Diabetes medication may be administered by a registered nurse or by other employees properly trained to manage Diabetes Care according to RC 3313.71 by a licensed nurse.

The registered nurse can only administer diabetes medication as described above if the requirements of Policy 5330 are met.

A student's diabetes medication will be kept in an accessible location.

A student with diabetes will be permitted to his or her diabetes care and management, in accordance with the student's physician's order, during regular school hours and school sponsored activities only if:

- A. the student's parent or guardian provides a written request that the student be permitted to attend to his or her diabetes care and management while at school; and
- B. the student's physician has authorized such self-care and determined that the student is capable of performing diabetes care tasks.



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A student with diabetes is permitted to perform diabetes care tasks in a classroom, in any area of the school or school grounds, and at any school related activity. The student must have access to a private area for performing diabetes care tasks if the student or the student's parent or guardian makes such a request.

A student with diabetes is permitted to possess on the student's self at all times all necessary supplies and equipment to perform diabetes care tasks. If the student performs any diabetes care tasks or uses medical equipment for purposes other than the student's own care, the Board will revoke the student's permission to attend to the care and management of the student's diabetes.

By December 31 of each year, the Board will report to the Ohio Department of Education the following information regarding students with diabetes:

- A. the number of students with diabetes enrolled in the Center during the previous year, and
- B. the number of errors associated with the administration of diabetes medication to students with diabetes during the previous school year.

R.C. 3313.7110, 3313.713

Adopted: December 9, 2014  
Revised: October 13, 2015

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## STUDENT ACCIDENTS

The Governing Board believes that school personnel have certain responsibilities in case of accidents which occur in school. Said responsibilities extend to the administration of first aid by persons trained to do so, summoning of medical assistance, and notification of administrative personnel, notification of parents, and the filing of accident reports on appropriate forms.

Employees should administer first aid within the limits of their knowledge of recommended practices. All employees should make an effort to increase their understanding of the proper steps to be taken in the event of an accident.

On an annual basis, physical education teachers and coaches of intramural athletes shall review the Ohio Department of Health's concussion information sheet.

Physical education teachers, playground monitors and coaches of intramural athletics shall remove from P.E. class participation or the intramural athletic activity any student who exhibits signs, symptoms, or behaviors consistent with having sustained a concussion or head injury. The Building Administrator shall notify parents or guardians about the possible concussion or head injury. See also Policy 2431 Interscholastic Athletics.

Any student who has been removed from a P.E. class, intramural athletic practice or competition, or playground activities, by a teacher, coach, or referee because he/she has exhibited signs, symptoms, or behaviors consistent with having sustained a concussion or head injury shall not be permitted to return to any P.E. class, intramural athletic practice or competition for which the teacher, coach, or referee is responsible on the same day as the removal and **not** until both of the following occur:

- A. The student's condition is assessed by a physician or other health care provider authorized by the Board, in accordance with requirements set forth in R.C. 3313.539 (E)(2), to assess such students.
- B. The student receives written clearance that it is safe to return to the P.E. class, intramural athletic practice or competition, from a physician or other health care provider authorized by the Board, in accordance with requirements set forth in R.C. 3313.539 (E)(2) to grant such a clearance.

Form 5340 F1

R.C. 2305.23 (Good Samaritan), 3313.20, 3313.539

Adopted: November 10, 1999

Revised: May 19, 2015

**EMERGENCY MEDICAL AUTHORIZATION**

Annually, before the first day of October, the Board will distribute to parents or guardians of all assigned students the Emergency Medical Authorization Form. Thereafter, the Board shall, within thirty (30) days after the entry of any student for the first time into a public school in the State, provide the child's parent with a copy of the Emergency Medical Authorization Form.

When the Form is returned to the ESC, the ESC shall keep the Form on file, and shall send the Form to any school to which the student is transferred. Upon request of the student's parent, the ESC may permit the parent to make changes in a previously filed Form, or to file a new Form.

In the event emergency medical treatment for a student is necessary, the ESC will adhere to the instructions on the authorization form. If the parent refuses to grant consent for emergency medical treatment, the parent must indicate in the proper place on the Form the procedure the parent wishes school authorities to follow in the event of a medical emergency involving his/her child.

Even if a parent grants consent for emergency medical treatment, when a student becomes ill or is injured and requires emergency medical treatment while under school authority, or while engaged in an extra-curricular activity authorized by the appropriate school authorities, the building administrator (s) shall make reasonable attempts to contact the parent before treatment is given. The school representative shall present the student's Emergency Medical Authorization Form or a copy thereof to the hospital or practitioner rendering treatment.

The Emergency Medical Authorization Form will be kept in a separate, easily accessible file in each school building during the school year.

Any time a student or a group of students is taken out of the District to participate in a school event, the staff in charge of the event must take the Emergency Medical Forms for those students. This includes, and is not limited to, students involved in music trips, athletic trips, field trips, student job sites, and academic contests. This does not include student spectators at their home school district events.

Staff members shall abide by any "Do Not Resuscitate" (DNR) order that may exist for a student, unless ordered otherwise by a court of law. Staff members may call 911 to seek medical assistance regardless of whether the DNR order exists or not. If a DNR order exists, staff members should produce the DNR order to the emergency responder.

R.C. 3313.712

Approved: February 12, 2002  
Revised: May 9, 2017

**STUDENT SUICIDE**

The Governing Board recognizes that depression and self-destruction are problems of increasing severity among children and adolescents. A student who suffers the psychological disability of depression cannot benefit fully from the educational program of the schools, and a student who has attempted self-destruction poses a danger both to himself/herself and to other students.

The Board directs all school personnel to be alert to the student who exhibits signs of unusual depression or who threatens or attempts suicide. Any such signs or the report of such signs from another student or staff member should be taken with the utmost seriousness.

In accordance with Policy 8462 (abuse and neglect) staff shall receive professional development training in the risk factors, warning signs, and resources regarding youth suicide awareness and prevention. Additional professional development training in youth suicide risk assessment and intervention shall be provided to mental health employees, counselors, psychologists, and school nurses.

The Superintendent shall develop and implement administrative guidelines whereby members of the professional staff understand how to use an intervention procedure which includes the following:

Step 1 - Stabilization

Step 2 - Assessment of the Risk

Step 3 - Use of Appropriate Risk Procedure

Step 4 - Communication with Appropriate Parties

Step 5 - Follow-up

Throughout any intervention, it is essential that Board policies and District guidelines regarding confidentiality be observed at all times.

A.C. 5101:2-34/35  
767 F 2d 651 (1985)

Adopted: December 14, 2004

Revised: July 14, 2015

**PROMOTION, PLACEMENT, AND RETENTION**

The Governing Board recognizes that the personal, social, physical, and educational growth of children will vary and that they should be placed in the educational setting most appropriate to their needs at the various stages of their growth.

It shall be the policy of the Board that each student be moved forward in a continuous pattern of achievement and growth that is in harmony with his/her own development.

A student will be promoted to the succeeding grade level when s/he has:

- A. in the opinion of the professional staff, achieved the instructional objectives
- B. demonstrated the degree of social, emotional, and physical maturation

A student may be placed at the next grade level when retention would no longer serve any good purpose.

The Superintendent shall develop administrative guidelines for promotion, placement, and retention of students which:

- A. require the recommendation of the relevant staff members for the promotion, placement, or retention of the student;
- B. require that parents are informed in advance of the possibility of retention of a student at a grade level;
- C. assign to the building administrator the final responsibility for determining the promotion, placement, or retention of each student.

R.C. 3313.647

A.C. 3301-35-02 (B) (5)

Approved: February 12, 2002

Revised: December 14, 2004

**REPORTING STUDENT PROGRESS**

The Governing Board believes that the cooperation among LCESC programs, participating schools and home is a vital ingredient to the growth and education of the whole child. It recognizes its responsibility to keep parents informed of student welfare and progress in school.

The Board directs the establishment of a system of reporting student progress which shall include written reports for ages three (3) through twenty-one (21), and parent conferences with teachers in grades Pre-Kindergarten (Pre-K) to twelve (12), and shall require all appropriate staff members to comply with such a system as part of their teaching responsibility.

The Superintendent, in conjunction with appropriate directors, teaching staff members and cooperating districts, shall develop procedures for reporting student progress to parents or guardians which would include on-line access to Progress Book:

- A. Utilize various methods of reporting appropriate to grade level and curriculum content;
- B. ensure that both student and parent receive ample warning of a pending grade of "failure" or one that would adversely affect the student's status;
- C. enable the scheduling of parent-teacher conferences;
- D. ensure the continual review and improvement of methods of reporting student progress to parents.
- E. provide continual reporting to home school district information on attendance and progress to the appropriate EMIS staff to complete state reports.

R.C. 3301.0714

A.C. 3301-11, 3-221, 3301-35-02 (B)(4)

Adopted: December 14, 2004

Revised: September 15, 2015

**GRADING AND ASSESSMENT**

The Governing Board recognizes that a system of assessment and grading student achievement can help the student, teachers, and parents to better understand how well the student is achieving the goals of LCESC programs.

The Board directs the Superintendent, in conjunction with appropriate staff members, to develop procedures for grading whereby the professional staff:

- A. Helps each student understand in each course or program what behavior and /or achievement is needed to earn each grade as well as what will produce a failing grade;
- B. Provides frequent opportunities for each student to obtain information as to his/her progress toward the learning goals of his/her courses or programs;
- C. Provides students the opportunity to assess both their own achievements and their areas of difficulty;
- D. Develops a method to provide a clear, accurate description to parents of their student's progress toward achieving course or program learning outcomes.

The Governing Board directs that the instructional programs of this LCESC include a reliable system of assessment and grading that ensures each student's grades signify accurately his/her degree of accomplishment of those expected outcomes which are to be stated for each program for ages three (3) through twenty-one (21) which supports the procedures as closely as possible for participating districts.

Final decision on any report of progress and/or grade shall be the responsibility of the teacher.

R.C. 3313.20

Adopted: December 14, 2004

Revised: May 13, 2014

**CLASS RANK**

The Governing Board acknowledges the usefulness of a system of computing grade point averages and class ranking for high school students, both to inform students of their relative academic placement among their peers and to provide students, prospective employers, and institutions of higher learning with a predictive device so that each student is more likely to be placed in an environment conducive to success.

The LCESC will coordinate systems of class ranking used by participating districts, for LCESC program students, (by grade point average, for students in grades 9-12).

The grades of students transferring to the high school from a chartered school will be recognized as accorded by the participating district.

No student shall be eligible for graduation honors, such as Valedictorian, etc. unless they have been enrolled for four (4) consecutive semesters prior to the final semester utilized for purposes of determining such honors or by other rules established by the participating districts.

Participating districts shall develop procedures for the computation of grade point averages and the assignment of class rank to implement this policy which shall include:

- A. a provision for students completing graduation requirements before their class;
- B. a system for fairly averaging makeup courses;
- C. a statement of the methods for such computation and assignment to be made available for those to whom a student's grade point average or rank in class is released;
- D. recognition of the heavier burden of certain work, classes, courses, etc.

Adopted: December 14, 2004



**RECOGNITION AND AWARDS**

The Licking County Educational Service Center (ESC)'s Governing Board is committed to giving appropriate recognition for exemplary contributions to education. The purpose of this policy is to permit the Board to honor students with plaques, pins, awards, and other acknowledgments.

Furthermore, the Board values excellence and wishes to inculcate in students the desire to do their best in all things. It shall be the policy of this Board, therefore, to recognize outstanding accomplishment of certain students in participating districts.

The Board authorizes the Superintendent to develop a plan for recognition of outstanding student achievement based on well-defined, consistent criteria and standards.

Moreover, the Governing Board does hereby affirm that the expenses incurred as listed above do serve public purpose and facilitate our educational objectives.

The Governing Board authorizes the establishment of appropriations code(s) for the implementation of this fund. The funds shall be made available from the Board's General Fund.

This policy shall remain in effect until such time as changed by the Governing Board or by law.

Adopted: November 17, 1998  
Revised: June 7, 2016

**HIGH SCHOOL GRADUATION REQUIREMENTS**

In order to acknowledge each student's successful completion of the instructional program appropriate to the achievement of District goals and objectives as well as personal proficiency, the Local School Districts award a diploma to eligible students at graduation ceremonies. The Licking County ESC's program which includes a senior from a participating district school shall have its administration work cooperatively to provide every opportunity possible to comply with the Local Districts requirements for Graduation.

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

The requirements for graduation from high school as determined by the Local Board, in grades nine through twelve as established in State law.

Legal refs: Carnegie Design Team Report to the State Board of Education, New Emphasis on Learning; Ohio's Plan for credit flexibility shifts the focus from seat-time to performance (March 2009)

R.C. 3313.60, 3313.6021, 3313.603, 3313.611, 3313.6111, 3313.614, 3313.615, 3313.618, 3313.647, 3313.903, 3323.08

R.C. 3301.07, 0710, 0711

A.C. 3301-41-01, 3301-13, 3301-13-01 to 07, 3301-(34-61)

Chapter 3324, 3365

Cross Ref.:	5430	Class Rank
	5460.01	Graduation Credits
	5463	Credits Chartered/ Nonchartered Schools
	5464	Early Graduation

Adopted: November 10, 1999

Revised: May 9, 2017

# Policy

BOARD OF EDUCATION  
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## GRADUATION CREDITS REQUIRED

The Governing Board encourages participating Boards to go beyond the minimum State required twenty (20) credits in order for all students to graduate and receive a diploma, as follows:

- A. 9<sup>th</sup> grade English, 10<sup>th</sup> grade English, 11<sup>th</sup> grade English, 12<sup>th</sup> grade English (all other English Dept. electives are not applicable toward the required four (4) units of English.)
- B. Three (3) units of Social Studies as follows:
  - 1. 1 unit of World History
  - 2. 1 unit of American History
  - 3. ½ unit of American Government
- C. Three (3) units of credit in Mathematics.
- D. One-half (1/2) unit of credit in Reading
- E. One-half (1/2) unit of credit in Health
- F. One-half (1/2) unit of credit in Physical Education

Students below the ninth grade level may take high school courses for advanced credit toward graduation. In order to receive such credit, the student must fulfill all of the requirements of the course as stipulated for high school students.

Any person residing in the District who has completed the academic requirements in any high school but has not passed all the proficiency/achievement tests is to be awarded a diploma from this District if s/he retakes and passes any unpassed tests at the high school during the designated testing days, unless excused from the tests as provided by law.

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

**Student Load** Five (5) credits will be required each year in grades nine (9) through twelve (12) - excluding physical education. Any units above this will be dependent upon the student's ability, interest, and need to carry the load. This decision will be made after any necessary counseling has been completed. However, those students wishing to take academic subjects (extremely heavy load) must have the approval of the Counseling Office.

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

R.C. 3301.07, 0710, 0711

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

Cross Ref.:	5430	Class Rank
	5460	Graduation Requirements
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	5464	Early Graduation

Adopted: December 14, 2004

**HIGH SCHOOL**  
**CREDITS FROM STATE-CHARTERED, SPECIAL,**  
**AND NONCHARTERED SCHOOLS**

In recognizing its responsibility to uphold the minimum educational standards of the State of Ohio, the Governing Board establishes the following policy and criteria regarding the acceptance of credits from nonpublic schools whether they be State-chartered, special, or Nonchartered schools (Home-Education).

For credit or course-work to be accepted for courses taken in such schools, either a copy of the charter or other assurance of compliance with minimum requirements established by the State must be provided.

Recognition of credits or course-work shall be granted when the proper assurance and the student's transcript has been received. The District reserves the right to assess such transfer students in order to determine proper placement and to be assured the student can demonstrate the learnings which are prerequisite to a placement.

Although credits from nonpublic schools may be granted and placed on a student's transcript, no grades will be entered on the transcript or considered for class ranking. Only grades awarded for courses taken at the Local District or at a school approved by a State education agency shall be considered in class ranking and for entering on the transcript.

R.C. 3301.07, 3301.16, 3313.60  
A.C. 3301-35, 3301-39

Adopted: November 10, 1999

**EARLY GRADUATION**

The LCESC Governing Board acknowledges that some students are pursuing educational goals which include graduation from high school at an earlier date than their designated class.

Application for early graduation must be submitted to the participating district's high school principal in accordance with school regulations. The principal may honor this request if all conditions for graduation are met and the student fulfills the graduation requirements for achievement and the Ohio Graduation Test (OGT).

The student **may** participate in the graduation ceremonies with his/her designated class.

Adopted: December 14, 2004

**RIGHTS OF STUDENTS WITH A DISABILITY**

It is the policy of the LCESC Governing Board that no otherwise qualified student shall, solely by reason of a disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by this Board.

As used in this policy and any implemented regulation, "a student with disability" means a student who has, or is regarded as having a disabling condition; "disabling condition" means a physical or mental impairment that substantially limits one (1) or more of a student's major life activities and includes specific learning disabilities.

Notice of the Board's policy on nondiscrimination in education practices shall be given in the Board policy manual, posted throughout the District, and published in any District statement regarding the availability of special education services.

**Facilities**

The educational program of this District shall be equally accessible to all students at each grade level. Barrier-free access to school facilities shall be provided to the extent that no student with a disability is denied an opportunity to participate in a district program available to non-disabled students.

**Program**

The Board directs that all reasonable efforts be made to identify unserved students with a disability of the participating districts eligible for special education and/or related services in accordance with law and Board Policy [2460](#). A free appropriate public education shall be provided for each student determined to be in need of special education and/or related services. Such a program of special education shall be provided in the least restrictive environment and in barrier-free facilities comparable to those provided for non-disabled students. To the maximum extent appropriate to the student's disability, a disabled student shall be placed in an educational setting with non-disabled or students with less severe disabilities.

No otherwise qualified student will be denied, because of his/her disability, participation in co-curricular, intramural or interscholastic activities, or recognitions rendered regularly to the students of this District. The due process rights of students with a disability and their parents will be adhered to and enforced.

**Enforcement**

The Superintendent is designated as Section 504 compliance officer. A complaint regarding the identification, evaluation, classification, or educational program of a disabled student shall be governed by the conflict resolution process established by the Board Policy 2460.01.

**Evaluation and Compliance**

The Board directs the Superintendent to evaluate LCESC programs and practices of nondiscrimination, in accordance with law, and to report evaluations to the Board. The Board will submit such assurances of compliance as are required by law.

29 U.S.C. 794 Rehabilitation Act of 1973  
45 C.F.R. Part 84  
20 U.S.C. 1401 et seq. (P.L. 94-142)

Adopted: December 14, 2004  
Revised: July 16, 2013

## **STUDENT CONDUCT**

Respect for the law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law affecting students. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community. The Governing Board has a zero tolerance of violent, disruptive or inappropriate behavior by its students.

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty shall be maintained in all programs of the Educational Service Center's programs. It is the responsibility of students, teachers and administrators to maintain a classroom that:

- a. allows teachers to communicate effectively with all students in the class;
- b. allows all students in the class the opportunity to learn;
- c. has consequences that are fair, and developmentally appropriate;
- d. considers the student and the circumstances of the situation; and
- e. enforces the student Code of Conduct accordingly.

Students may be subject to discipline for violation of the Code of Conduct whether that conduct occurs on property, owned or controlled by the Board, or that is connected to activities or incidents that have occurred on property, owned or controlled by the Board, through contractual arrangements with a local or participating district, or conduct that, regardless of where it occurs, is directed at a Board official or employee, or property of such official or employee.

Student conduct shall be governed by the rules and provisions of the Student Code of Conduct of the ESC or the facility (district) housing an ESC class. These Codes of Conduct shall be reviewed periodically.

R.C. 3313.20, 3313.534, 3313.66, 3313.661

Adopted: March 6, 2001  
Revised: July 17, 2007

**Policy**  
**GOVERNING BOARD OF EDUCATION**

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**DRESS AND GROOMING**

The Governing Board recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance, except when their choices interfere with the educational program of the schools.

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

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

The Superintendent may establish the dress requirements for member's school groups when representing the schools at a public event.

The Superintendent shall develop administrative guidelines to implement this policy which:

- A. designate the building administrator as the arbiter of student dress and
- B. instruct staff members to demonstrate by example and precept wholesome attitudes toward neatness, cleanliness, propriety, modesty, and good sense in attire and appearance.

R.C. 3313.20, 3313.661

Approved: February 12, 2002



**USE OF TOBACCO**

The Governing Board is committed to providing students, staff, and visitors with an indoor tobacco- and smoke-free environment. The negative health effects of tobacco use for both users and nonusers, particularly in connection with second hand smoke, are well established. Further, providing an indoor non-smoking and tobacco-free environment is consistent with the responsibilities of teachers and staff to be positive role models for our students.

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

In order to protect students and staff who choose not to smoke or use tobacco from an environment noxious to them, and because the Board cannot, even by indirection, condone smoking or the use of tobacco, the Board prohibits the use of tobacco or tobacco substitute products by professional staff members at all times within any indoor facility owned or leased or contracted for, by the Board. Such prohibition also applies to school facilities or grounds; Board owned and/or operated buses or vehicles, at any school-related event and in designated areas in statute and by Ohio's Smoke-Free Workplace Program.

Students who violate this policy shall be subject to disciplinary action in accordance with the Student Code of Conduct/Student Discipline Code and in accordance with policies of the Board.

R.C. 3313.20, 3313.47, 3313.751, 3794 et seq  
20 USC 6081 et seq, 20 U.S.C. 7182  
U.S.D.O.E. Memorandum, 1995  
A.C. 3701-52

Cross Ref:    3215   Professional Staff  
              4215   Classified Staff  
              7434   School Premises

Adopted: April 14, 1998  
Revised: June 14, 2011

**CARE OF SCHOOL PROPERTY**

The Governing Board believes that the schools should help students learn to respect property and develop feelings of pride in community institutions.

The Governing Board charges each student with responsibility for the proper care of school property and the school supplies and equipment entrusted to his/her use.

Students who cause damage to school property shall be subject to disciplinary measures, and their parents shall be financially liable for such damage to the extent of the law, except that students over eighteen (18) years of age shall also be liable for damage they cause.

The Board authorizes the imposition of fines for the loss, damage or destruction of school equipment, apparatus, musical instruments, library material, textbooks, and for damage to school buildings and reserves the right, to the extent permitted by law, to withhold a report card or credits from any student whose payment of such fine is in arrears. The Board may report to the appropriate juvenile authorities any student whose damage of school property has been serious or chronic in nature.

The Board may offer a reward for the apprehension of any person who vandalizes school property.

R.C. 2151.272, 2151.411, 3109.09, 3313.173, 3313.642

Adopted: November 10, 1999

Revised: December 10, 2013

**STUDENT NON-USE OF VEHICLES**

The Governing Board will not allow the use of motor vehicles by students of appropriate driving age, even if the student holds a valid driver's license, in accordance with the rules of the LCESC to arrive at the LCESC educational site where the student is scheduled for classes, if not at the participating school site.

Any participating district students attending a local district site classroom run by the ESC shall abide by the policy, rules and procedures established by the principal of the host high school. The district shall develop administrative guidelines for the use of motor vehicles and shall disseminate those rules to all students so affected at the participating district level, if the LCESC unit is located at that student's home school site.

The Governing Board will not be responsible for motor vehicles which are lost, stolen, or damaged while on school premises or on the way to and returning home from school.

Generally, Emotional Disturbance and Multi-Disabled students when accepted into the ED or MH programs will not be allowed to drive to school. Exceptions to this policy will be decided on an individual basis at I.E.P. meetings only with the consent of the HS Principal and the ED Supervisor (i.e. a student who needs credit at a work study site and the program during the school day).

R.C. 3313.20

Adopted: December 14, 2004

Revised: August 14, 2007

**STUDENT HAZING**

The Governing Board believes that hazing activities of any type are inconsistent with the educational process and prohibits all such activities at any time in school facilities, on school property, and/or off school property if the misconduct is connected to activities or incidents that have occurred on school property. No administrator, faculty member, or other Board employee shall encourage, permit, condone, or tolerate any hazing activities. No student shall plan, encourage, or engage in any hazing.

Hazing shall be defined for purposes of this policy as performing any act or coercing another, including the victim, to perform any act of initiation into any class, team, or organization that causes or creates a substantial risk of causing mental or physical harm. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

Administrators, faculty members, and other employees of the Board shall be alerted to possible situations, circumstances, or events, which might include hazing. If hazing or planned hazing is discovered, the students involved shall be informed by the discoverer of the prohibitions contained in this policy and shall be ordered to end all hazing activities or planned activities immediately. All hazing incidents shall be reported immediately to the Superintendent. Students, administrators, faculty members, and other employees who fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil and criminal penalties in accordance with law.

The Superintendent shall distribute this policy to all students and Board employees through staff and student handbooks. It shall also be the subject of discussion at employee staff meetings or in-service programs.

Administrators, staff members and volunteers shall not intentionally remain ignorant of hazing, bullying, or potential hazing activities.

R.C. 2307.44, 2903.31, 3313.661

Adopted: December 14, 2004

Revised: July 17, 2007

## **ANTI-HARASSMENT**

### **General Policy Statement**

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

The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, religion, disability, sex, genetic information, age (except as authorized by law), or any other unlawful basis, collectively, Protected Classes that are protected by Federal civil rights laws (hereafter referred to as unlawful harassment) and encourages those within the ESC community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated; the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

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

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

### **Other Violations of the Anti-Harassment Policy**

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

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

### **Definitions**

#### **Bullying (see policy 5517.01)**

#### **Sexual Harassment**

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, “sexual harassment” is defined as: “Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual’s employment, or status in a class, educational program, or activity;

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

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

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

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

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

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

**Race/Color / Religious (Creed) / National Origin/Disability Harassment**

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

**Reports and Complaints of Harassing Conduct**

Students and all other members of the School Center community and third parties are encouraged to promptly report incidents of harassing conduct to a teacher, administrator, supervisor or other School Center official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. A teacher, administrator, supervisor, or other Center employee or official who receives a complaint shall file it with the Center's Anti-Harassment Compliance Officer 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 harassed are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file 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 Supervisor/Director believes that the reported misconduct may have created a hostile environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Supervisor shall report the act of bullying, aggressive behavior and/or harassment to one of the Anti-Harassment Compliance Officers who shall investigate the allegation in accordance with this policy. While the Compliance Officer investigates the allegation, the Building Administrator shall suspend his/her 5517.01 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the Supervisor informed of the status of the 5517 investigation and provide him/her with a copy of the resulting written report.

**Anti-Harassment Compliance Officers**

The names and titles of these Compliance Officer(s) will be published annually in the parent and staff handbooks, school annual report, and each school's websites. The Center should appoint both a female and a male School Compliance Officer in order to provide Complaints with the option to report their concerns to an individual of the gender with which they feel most comfortable. The Compliance officers may also serve as the Center's Section 504 and Title IX Coordinators.

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

### **Privacy/Confidentiality**

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

### **Informal Process for Addressing Complaints of Harassment**

The administrators will attempt an informal complaint process to provide members of the School Center community or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Members of the School Center community or third parties who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process, but are not required to do so. Members of the Center community or third parties who believe that they have been unlawfully harassed may proceed immediately to the formal complaint process and individuals who seek resolution through the informal 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.

### **Formal Process for Addressing Complaints of Unlawful Harassment** (see Complaint Procedure Policy 9130)

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

Members of the School Center community or third parties who feel they have been unlawfully harassed should file a formal written complaint with the principal of their school building or with one of the Complaint Coordinators identified in the administrative guidelines. Oral complaints of harassment will be reduced to writing by the individual receiving the complaint and the complainant will be asked to verify the accuracy of the reported charge by signing the document. Complaints received by a school building principal will be immediately reported to the appropriate Complaint Coordinator identified in the administrative guidelines.

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



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

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

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

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

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law. 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.

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 eliminate such conduct in the future.

### **Education and Training**

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate training to all members of the Center community related to the implementation of this policy and will be age and content appropriate.

R.C. 4112.02, 42 U.S.C. 2000(d)(e)(ff) et seq., 20 U.S.C. 1400et seq., 42 U.S.C. 2000e et seq., 29 U.S.C. 621 et seq. 29 U.S.C. 794, 42 U.S.C. 12101 et seq. 20 U.S.C. 1681 et seq. 42 U.S.C. 1983, 29 C.F.R. part 1635, 29 U.S.C., 601. NSBA Inquiry and Analysis May 7, 2008

Adopted: April 14, 1998; Revised: December 10, 2013

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## **BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR**

The Governing Board is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community.

Aggressive behavior toward a student, whether by other students, staff, or third parties is strictly prohibited and will not be tolerated. This prohibition includes physical, verbal, and psychological abuse. The Board will not tolerate any gestures, comments, threats, or actions which cause or threaten to cause bodily harm or personal degradation. This policy applies to all activities in the Center, including activities on school property, on a school bus, or while enroute to or from school and those occurring off school property if the student or employee is at any school-sponsored, school-approved or school-related activity or function, such as field trips or athletic events where students are under the school's control, or where an employee is engaged in school business.

This policy has been modified in consultation with the Center's employees and community members as prescribed in R.C. 3313.666 and State Board of Education Model Policy.

Harassment, intimidation, or bullying means any intentional written, verbal, graphic, electronic or physical act that a student or group of students exhibits toward another particular student(s) more than once and the behavior both causes mental or physical harm to the other student(s) and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s); or violence within a dating relationship.

"Electronic act" means an act committed through the use of a cellular telephone, computer, pager, personal communications device, or other electronic communication device.

Aggressive behavior is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a student's educational, physical, or emotional well being. This type of behavior is a form of intimidation and harassment, although it need not be based on any of the legally protected characteristics, such as sex, race, color, national origin, marital status, or disability. It would include, but not be limited to, such behaviors as stalking, bullying/cyberbullying, intimidating, menacing, coercion, name-calling, taunting, making threats, and hazing.

Harassment, intimidation, or bullying also means cyberbullying through electronically transmitted acts (i.e. internet, email, cellular telephone, personal digital assistance (PDA), or wireless hand-held devices) that a student or group of students exhibits toward another particular student more than once and the behavior causes mental and physical harm to the other student and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening or abusive educational environment for the other student(s).

Any student who believes s/he has been or is the victim of aggressive behavior should immediately report the situation to the building principal or assistant principal, or the Superintendent. The student may also report concerns to a teacher or counselor who will be

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responsible for notifying the appropriate administrator or Board official. Complaints against the building principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be aggressive behavior directed toward a student. Reports may be made to those identified above.

All complaints about aggressive behavior that may violate this policy shall be investigated promptly. The appropriate administrator shall prepare a written report of the investigation upon completion. Where appropriate, written witness statements shall be attached to the report.

If the investigation then finds an instance of harassment, intimidation, and/or bullying, cyberbullying by an electronic act or otherwise, aggressive behavior has occurred, it will result in prompt and appropriate remedial and/or disciplinary action. This may include up to expulsion for students, up to discharge for employees, exclusion for parents, guests, volunteers, and contractors, and removal from any officer position and/or a request to resign for Board members. Individuals may also be referred to law enforcement officials.

If, during an investigation of a reported act of harassment, intimidation and/or bullying/cyberbullying, the Building Administrator believes that the reported misconduct may have created a hostile learning environment and may have committed unlawful discriminatory harassment based on a Protected Class, the Administrator will report the act of bullying and/or harassment to one of the Anti-harassment Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 – Anti-Harassment.

The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken.

This policy shall not be interpreted to infringe upon the First Amendment rights of students (i.e., to prohibit a reasoned and civil exchange of opinions, or debate, that is conducted at appropriate times and places during the school day and is protected by State and Federal law).

Retaliation against any person, who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of aggressive behavior is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as aggressive behavior. Retaliation may result in disciplinary action as indicated above.

Deliberately making false reports about harassment, intimidation, and bullying and or other aggressive behavior for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Deliberately making false reports may result in disciplinary action as indicated above.

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The following definitions are provided for guidance only. If a student or other individual believes there has been aggressive behavior, regardless of whether it fits a particular definition, s/he should report it and allow the administration to determine the appropriate course of action. The Center shall implement intervention strategies to protect a victim or other person from new or additional harassment, intimidation, or bullying and from retaliation following such report.

“Bullying” is defined as a person willfully and repeatedly exercising power or control over another with hostile or malicious intent (i.e., repeated oppression, physical or psychological, of a less powerful individual by a more powerful individual or group). Bullying can be physical, verbal (oral or written), electronically transmitted, psychological (e.g., emotional abuse), through attacks on the property of another, or a combination of any of these.

“Cyberbullying” includes, but is not limited to, the following:

- A. posting slurs or rumors or other disparaging remarks about a student on a web site or on weblog
- B. sending e-mail or instant messages that are mean or threatening, or so numerous as to increase/inflate the victim’s cell phone bill
- C. using a camera phone to take and send embarrassing photographs of students posting misleading or fake photographs of students on web sites

“Harassment” includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature on the basis of age, race, religion, color, national origin, marital status or disability, sexual orientation, physical characteristic, cultural background, socioeconomic status, or geographical location.

“Intimidation” includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another’s property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the basis of race, color, religion, national origin or sexual orientation.

“Menacing” includes, but is not limited to, any act intended to place a school employee, student, or third party in fear of imminent serious physical injury.

“Staff” includes all school employees and Board members.

“Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, vendors, or others engaged in Center business, and others not directly subject to school control at inter-district or intra-district athletic competitions or other school events. For a definition of and instances that could possibly be construed as hazing, consult Policy 5516.

## **Privacy/Confidentiality**

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

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## **Reporting Requirement**

At least semi-annually, the Superintendent shall provide to the President of the Board a written summary of all reported incidents and post the summary on the Center website. The list shall be limited to the number of verified acts of harassment, intimidation, and/or bullying, whether in the classroom, on school property, to and from school, or at school-sponsored events.

## **Immunity**

A Center employee, student, or volunteer shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with this policy and R.C. 3313.666 if that person reports an incident of harassment, intimidation or bullying promptly, in good faith, and in compliance with the procedures specified in this policy. Such immunity from liability shall not apply to an employee, student, or volunteer determined to have made an intentionally false report about harassment, intimidation, and/or bullying.

## **Complaints**

Students and/or their parents/guardians may file reports regarding suspected harassment, intimidation and/or bullying. Such reports shall be reasonably specific including the person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation and/or bullying and the names of any potential student or staff witnesses. Such reports may be filed with any school staff member or administrator, and they shall be promptly forwarded to the building administrator for review, investigation, and action.

## **Notification**

Notice of this policy will be annually circulated to and posted in conspicuous locations in all school buildings and departments within the Center and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks. All new employees will be required to review and sign off on this policy and the related complaint procedure as outlined in policy 9130 and form 9130 F1. At least once each school year a written statement describing this policy and consequences for violation of the policy shall be sent to each student's custodial parent or guardian. The statement may be delivered electronically.

## **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying. The Superintendent or designee shall provide appropriate annual training to all members of the Center community related to the implementation of this policy and its accompanying administrative guidelines. All training regarding the Board's policy and administrative guidelines and aggressive behavior and bullying in general will be age and content appropriate. The training for staff shall be incorporated in the use of PublicSchoolWORKS safety courses as often as prescribed in law.

The Superintendent is directed to develop administrative guidelines to implement this policy. Guidelines shall include reporting and investigative procedures, as needed. The complaint procedure established in policy 9130 shall be followed.

R.C.3313.661, 3313.667; State Board of Education Model Policy (2007); Policy 9130 (9130 F1)

Adopted: November 7, 2006

Revised: December 10, 2013

**SEXUAL VIOLENCE**

The Governing Board does not discriminate on the basis of race, color, national origin, sex, disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively “Protected Classes”) in its education programs and activities. The Board is committed to maintaining an education and work environment that is free from all forms of unlawful harassment, including sexual harassment.

Sexual harassment, including sexual violence, interferes with student’s rights to receive an education free from discrimination, and, in the case of sexual violence, is a crime. Pursuant to its Title IX obligations, the Board is committed to eliminating sexual violence in all forms and will take appropriate action against any individual found responsible for violating this policy. To further its commitment against sexual violence, the Board provides reporting options, and investigative and disciplinary process, and other related services as appropriate.

This policy applies to all students complaints, whether filed by a student, his/her parent, an employee, or third party on the student’s behalf. It applies to all Educational Service Center operations, programs, and activities, as well as to unlawful conduct occurring on school property or during a Board sponsored activity. All students, administrators, teachers, staff, and other school personnel share a responsibility to avoiding, discouraging, and reporting any form of unlawful harassment.

**Definitions**

**Sexual Harassment**

As detailed in policy 5517, sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature. Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender. (See policy 5517 for examples).

**Sexual Violence**

Sexual violence, as used in this policy, refers to physical acts perpetrated against a person’s will or where a person is incapable of giving consent (i.e. due to the student’s age, intellectual or other disability, or use of drugs or alcohol).

Sexual violence includes rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence is most likely to be committed by school employees, other students, or third parties. All such acts of sexual violence are forms of sexual harassment and, in turn, sex discrimination prohibited by Title IX.

Harassing conduct creates a hostile environment when it interferes with or limits a student’s ability to participate in or benefit from the school’s program. A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. For example, a single instance of rape is sufficiently severe to create a hostile environment.

### **Anti-Harassment Compliance Officer**

The Board designates the following individuals to serve as “Anti-Harassment Compliance Officers for the Center for the start of the next school year. Generally, a male and a female Compliance Officer shall be appointed. The names of these individuals, their title, and contact information will be published annually in the staff and student handbooks, which are both placed on the Center’s website.

The Compliance Officers are available during regular work hours to discuss Title IX questions, sexual violence concerns, and to assist students, other members of the Center’s Community, and third parties. Compliance Officers shall accept sexual violence complaints directly from any members of the school district or a visitor to the District, as well as those initially filed within a school building administrator. Upon receiving a complaint, the Compliance Officer, or designee, will discuss confidentiality issues with the complainant (and his/her parent, if the complainant is a minor) and open an investigation as described below.

### **Complaint Procedure**

Students and Board employees are required, and parents, community members, and third parties are encouraged, to report sexual violence promptly to a teacher, administrator, supervisor, or other school official. Reports can be made orally or in writing, and should be as specific as possible. The person making the report shall identify the alleged victim, perpetrator, and witness (es), and describe in detail what occurred, including date(s), time(s) and location(s). The District, however, will investigate and address all reports to the extent possible.

A student has a right to file criminal and/or Title IX complaints simultaneously. A student does not need to wait until Title IX investigation is completed before filing a criminal complaint. Likewise, questions or compliance relating to sexual violence or any other Title IX concerns may also be filed with the U.S. Department of Education’s Office of Civil Rights.

Any teacher, administrator, supervisor, or other school employee or official who receives such a complaint, shall file it with the District’s Compliance Officer within two (2) school days, and shall comply with his/her mandatory reporting responsibilities pursuant to R.C. 2151.412. The Compliance Officer will oversee the District’s investigation and response to any Title IX related complaints, but s/he may delegate the investigation process to another individual (designee). The Board reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy.

### **Confidentiality**

The District respects student’s privacy and will only disclose information regarding alleged sexual violence to individuals who are responsible for handling the school’s response, the student’s parents (if the student is a minor or is considered a dependent under Section 152 of the Internal Revenue Code), or as otherwise required by law. During the course of a formal investigation, the Compliance Officer/designee will instruct all interviewees about the importance of maintaining confidentiality. Interviewees will be directed not to disclose any information that s/he learns or that s/he provides during the course of the investigation to third parties.

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Students or their parents sometimes ask that the students' names not be disclosed to alleged perpetrators or that no investigation or disciplinary action be pursued to address the alleged sexual violence. Upon such a request, the Compliance Officer /designee will inform the student and his/her parent that honoring the request may limit the District's ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. The official will also explain that Title IX includes protections against retaliation, and that school officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs.

Should the student or his/her parent continue to request complete confidentiality, the Compliance Officer /designee will balance the student's privacy request with the District's obligation to provide a safe and non-discriminatory environment for all students. Should the official determine that the District can honor the student's or Parent's request and remain in compliance with its Federal and State obligations, the District may limit its investigation and or formal action against the alleged perpetrator. The District will, however, take other action to address the sexual violence. This may include increasing monitoring and security, offering schedule changes, and conducting surveys.

If the Compliance Officer / Designee determines that the District must disclose the student's identity to an alleged perpetrator, s/he will inform the student and his/her parents prior to disclosure. The District will then afford interim protection measures to the student as appropriate.

## **Investigation**

The District is committed to investigating all sexual violence complaints in an adequate, reliable, impartial, and prompt manner. The investigation will seek to determine whether the conduct occurred, and if so, what actions the school will take to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and remedy its effects.

The investigation may include:

- E. interviewing the complainant, alleged perpetrator, and any witnesses separately;
- F. reviewing law enforcement documents;
- G. reviewing student and permanent files;
- H. gathering and examining other relevant documents or evidence; and
- I. providing a disciplinary hearing as needed.

The District affords both parties a balanced and fair process. Specifically, the complainant has the same rights throughout the proceeding as the alleged perpetrator. Both parties, for example, will have an equal opportunity to present relevant witnesses and other evidence at a disciplinary hearing. Likewise, the District Appeal process is available to both parties. The District, however, does not require complainants to be present for the hearing or appeal. Further, the District will not permit parties to personally question or cross-examine each other directly.



### **Timeline**

The Compliance Officer /designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age of eighteen (18) within two (2) school days after receipt of a report of sexual violence to advise her/him/them of the Board's intent to investigate the alleged misconduct. The Compliance Officer /designee will also inform the alleged perpetrator of the opportunity to submit a written response to the complaint within five (5) business days. The District's investigation, including a disciplinary hearing process (but not appeal) may take up to sixty (60) calendar days to complete. This timeframe may be extended on a case-by-case basis, depending on the complexity and severity of the matter, criminal investigation requirements, and school breaks. During this period, the District will provide the complainant with periodic updates on the status of the investigation.

### **Interim Measures**

During the investigation, the District will take interim steps to facilitate the complainant's equal access to its education programs. These steps may include, but are not limited to: 1. notifying the complainant of his/her options to avoid contact with the alleged perpetrator; 2. allowing the complainant to change his/her academic, extracurricular, transportation, lunchtime, work stations, as appropriate; and 3. other available resources such as counseling. Specific interim measure will be considered and offered on a case-by-case basis.

### **Notice**

Upon completing its investigation, the District will notify both parties in writing about the outcome of the complaint and any appeal. Specifically, the District will notify the complainant: 1. as to whether the investigation substantiated the allegation; 2. of individual remedies offered to the complainant; 3. of sanctions imposed on the perpetrator; and 4. other steps the District has taken to eliminate the hostile environment and prevent recurrence. The alleged perpetrator will be notified of the investigation's result and disciplinary consequence to him/her, if any. The District will not notify the alleged perpetrator about individual remedies afforded to the complainant. All aforementioned notifications will comply with Federal and State privacy laws, including the Family Education Rights and Privacy Act (FERPA).

### **Remedies**

The District will provide a prompt and equitable resolution. If the investigation substantiates the complaint, the District will take steps to end the sexual violence, eliminate the hostile environment, prevent the recurrence, and remedy its effects. In addition to imposing disciplinary consequences on the perpetrator, the District will consider the following individual and global remedies, on a case-by-case basis:

- A. providing counseling and academic support to both the complainant and perpetrator;
- B. re-arranging schedules at the complainants request;

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- C. affording the complainant extra time to complete or re-take classes without academic penalty;
- D. reviewing any disciplinary proceedings against the complainant;
- E. training or re-training employees.

The District will not offer mediation in cases involving sexual violence. Disciplinary consequences against offenders may include suspension, expulsion, termination, and any other sanctions the Board deems appropriate. Any discipline meted out to offenders will comply with special education and Section 504 laws, Board policy and regulations.

## **Appeals Process**

Both the complainant and perpetrator may appeal the outcomes of the investigation. Any appeal opportunities afforded to the alleged perpetrator are also afforded to the complainant. Any party wishing to appeal the outcome of the investigation must submit written appeal to the Superintendent within ten (10) school days after receipt of the written notice of the outcome of the investigation. The Superintendent shall, within twenty (20) work days, conduct a hearing concerning the appeal. The Superintendent shall provide a written decision to the appealing individual within ten (10) work days following the completion of the appeal hearing.

## **Retaliation**

Federal law directly prohibits retaliation against a complainant or witness. The District will inform complainant of this prohibition and direct him/her to report retaliation, whether by students or school officials, to the Compliance Officer. Upon learning of retaliation, school officials will take strong responsive action as appropriate.

## **Training**

All staff will be trained so they know to report harassment to appropriate school officials. This training will include practical information about how to identify and report sexual harassment, including sexual violence. The training will be provided to employees likely to witness or receive complaints involving sexual harassment and/or sexual violence, including teacher, school law enforcement unit employees or school resource officers. School administrators responsible for investigating allegations of sexual harassment and sexual violence will be trained on how to conduct such investigations and respond properly to such charges.

20 U.S.C. 1681 et seq. Title IX o Education Amendments of 1972

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

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

42 U.S.C. 1983; 34 c.f.r. Part 106;

Dear Colleague Letter on Sexual Violence (Office of Civil Rights, 2011)

OCR's Revised Sexual Harassment Guidance (2001)

Approved: November 17, 2015

Revised:

### **DRUG PREVENTION PROGRAMS**

For purposes of this policy a "chemical" is any mood-altering substances used in a manner which is inconsistent with the physician's prescription, such as alcoholic beverages, anabolic steroids, and/or counterfeit substances.

The Governing Board considers chemical use, abuse, and dependency to be a serious societal problem, especially of our young people, with serious legal, physical and social implications for the whole school community. Furthermore, the Board recognizes the dependency stage of chemical use to be a primary physical disease.

The Board prohibits the use, possession, concealment, or distribution of any drug or any drug-related paraphernalia as the term is defined by law, on school grounds, on school vehicles, and/or at any school-sponsored event.

It further establishes a drug-free zone within 1000 feet of any facility used by the LCESC for educational purposes.

Health problems of students are primarily the responsibility of the home and community. However, schools share in this responsibility since the community's students spend a significant portion of their time at school and chemical abuse problems often interfere with acceptable school behavior, student learning, and the ability of a student to develop his/her greatest potential. The schools should play a major role in early detection of chemical use, abuse, and dependence and the establishment of a partnership role with the family and other facilities in seeking treatment for the chemically dependent person. We, therefore, are committed to the goal of achieving a chemically free environment in our school system. This goal, however, cannot be achieved by the schools alone, regardless of funding, staffing ability or program development. The family, church, law enforcement agencies, community health service, mental health and treatment centers must also play a role if this goal is to be accomplished.

We recognize that this disease neither belongs at the school door, nor is it contained within the geographical limits of the participating district or LCESC program facilities. Therefore, we support combining, coordinating, and sharing our efforts with other school districts.

The LCESC will share guidelines for the identification, amelioration of chemical use in its programs in cooperation with participating districts. Such guidelines shall:

- A. emphasize the prevention of chemical abuse.
- B. provide for a comprehensive, age-appropriate, developmentally-based chemical education and prevention program which:
  1. addresses the legal, psychological, and health consequences of chemical use;
  2. provides information about effective techniques for resisting peer pressure to use chemicals;
  3. assists students to develop skills to make responsible decisions about chemical abuse and other important issues;
  4. promotes positive emotional health, self-esteem, and respect for one's body.

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- C. include a statement to students that the unlawful possession, use, or distribution of illicit drugs and alcohol by student's is wrong and/or harmful.
- D. provide standards of conduct that are applicable to all students and which clearly prohibit, at a minimum, the unlawful possession, use or distribution of chemicals by students on school premises or as a part of any school activity.
- E. include a clear statement that disciplinary sanctions, up to and including expulsion and referral for prosecution, will be imposed on students who violate the school standards of conduct and a description of those sanctions.

The sanctions may include, together with punitive action, voluntary referral to appropriate persons or agencies for screening and assessment. Such referral may only be made to qualified and properly licensed individuals or programs.

- F. provide information about any chemical abuse counseling and rehabilitation and re-entry programs available to students and provide procedures to direct students and their parents to the appropriate programs.
- G. require that all parents and students be given a copy of the standards of conduct regarding the unlawful possession, use, or distribution of chemicals by students.

The Superintendent shall develop a curriculum for instruction in the harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco for students at each grade level and conduct such in-service training programs for staff members necessary to assist with effective teaching about chemicals and assistance to students in LCESC programs with chemical problems.

The Superintendent shall establish administrative guidelines necessary to implement this policy in cooperation with participating districts. Such guidelines shall ensure that the proper notice regarding the use of anabolic steroids is posted in each of the District's locker rooms used by students in grades 7-12.

R.C. 2925.37, 3313.60(E), 3313.661, 3313.662, 3313.752, 3313.95, 3319.012  
Public Law 101 – Drug Free Schools and Communities Act as of 1986  
20 U.S.C. 3171 et seq.  
20 U.S.C. 3224A

Adopted: December 14, 2004

Revised: May 10, 2011

**STUDENT ASSISTANCE PROGRAMS**

In keeping with its concern for the safety and well-being of both students and staff and for maintaining a school environment that is conducive to learning, the Governing Board has adopted policies related to student conduct in the school setting and has authorized disciplinary measures for the violation of these policies in cooperation with participating districts.

The Board seeks to maintain a balance between maintaining a proper educational environment and a compassion for students who suffer from or are victims of intemperate, immoral, or illegal behavior. Educational programs have been established to promote healthful, productive living and discipline shall be maintained to protect students and staff from actions that disrupt teaching and learning. However, the Board recognizes that students may experience difficulties that educational programs and sound discipline may not prevent, and that other forms of assistance may need to be available through the school.

The Superintendent is authorized to establish one or more assistance programs for students that may provide for effective intervention in areas such as substance abuse, crisis situations, and other situations, which have impact on students' emotional, mental, and/or social well-being and affect their ability to benefit from educational experiences. Administrative guidelines are to be prepared which should ensure, in cooperation with participating districts, that:

- A. the rights of both parents and students are protected;
- B. staff members are properly trained and skilled for their roles and participate in ways that comply with their certification or licensing and job description as well as with Board policies and administrative guidelines;
- C. outside resource people and agencies are properly certified or licensed to provide services and have a history of effective assistance.

Adopted: December 14, 2004

### **INTERVIEWING OF STUDENTS**

The Governing Board is committed to protecting students from harm that may or may not be directly associated with the Educational Service Center environment but also recognizes its responsibility to cooperate with law enforcement and public children's services agencies.

Such agencies should investigate alleged violations of the law off school property if at all possible. An investigation can take place immediately on school property at the request of the building administrator if the alleged violation of law took place on school property or in emergency situations.

When police or other authorities arrive at the school and wish to interview a student or investigate an alleged violation of law, they must contact the building administrator, indicating the nature of their investigation and their desire to question a student or students.

Before the student is questioned as a witness to or suspect in an alleged violation of law, the building administrator shall attempt to contact the parent prior to questioning and shall remain in the room during the questioning.

If the student is the subject of a child abuse/neglect investigation, the building administrator shall attempt to contact the parent prior to questioning, and s/he, or a designated supervisor, school counselor, or school psychologist, will remain in the room during questioning.

If an agency investigating child abuse/neglect indicates that the parent or a household member is believed to be the perpetrator, the building administrator will not contact either parent prior to the interview. The building administrator, or a designated supervisor or school psychologist, will remain in the room during questioning. Contact with the parent for this instance will be completed by the agency member involved in the investigation who signs off on form F1 5540.

All attempts to notify parents, when so done, should be documented diligently.

When an authorized law enforcement officer or children's services agency representative removes a student, the building administrator or the agency member who signs F1 5540 shall notify the parent and Superintendent.

No school official may release personally identifiable student information in education records to the police or children's services agency without prior written permission of the parent, a lawfully-issued subpoena, or a court order. (See Board Policy 8330.)

R.C. 3313.20, 3319.321

Adopted: November 10, 1999

Revised: June 7, 2016

**LAW ENFORCEMENT OFFICER/SOCIAL WORKER CONTACT SHEET**  
**INTERVIEWING OF STUDENTS - FORM**

When an authorized law enforcement officer or children's services agency representative removes a student, the building administrator or the agency member who signs F1 5540 shall notify the parent and Superintendent.

No school official may release personally identifiable student information in education records to the police or children's services agency without prior written permission of the parent, a lawfully-issued subpoena, or a court order. (See Board Policy 8330.)

If an agency investigating child abuse/neglect indicates that the parent or a household member is believed to be the perpetrator, the building administrator will not contact either parent prior to the interview. The building administrator, or a designated supervisor or school psychologist, will remain in the room during questioning. Contact with the parent for this instance will be completed by the agency member involved in the investigation who signs off on form F1 5540.

On \_\_\_\_\_, the minor child \_\_\_\_\_, was interviewed by \_\_\_\_\_

from the \_\_\_\_\_ Police Department and/or from the Licking County Dept. of Jobs and Family Services Division.

At the request of the interviewing team, the school was instructed not to make contact with the child's parent(s)/legal guardian(s) prior to the interview.

It is the school's understanding that as soon as possible, in the best interest of the child, the police or LC J&FS representative will make diligent efforts to contact the child's parent(s) and inform them of the interview and other necessary information.

\_\_\_\_\_  
Police Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phone number

\_\_\_\_\_  
Social Worker, LC J&FS

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phone number

\_\_\_\_\_  
School Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phone number

**STUDENT DISCIPLINE**

The Governing Board acknowledges that conduct requires an orderly school environment and the effectiveness of the educational program is, in part, reflected in the behavior of students.

The Board believes that the best discipline is self-imposed and that students should learn to assume responsibility for their own behavior and the consequences of their actions. The Board has zero tolerance of violent, disruptive or inappropriate behavior by its students.

The Board shall require each student of the LCESC to adhere to the Student Code of Conduct/Student Discipline Code adopted by the Governing Board, in cooperation with participating districts, and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. Such rules shall require that students:

- A. conform to reasonable standards of socially-acceptable behavior;
- B. respect the person and property of others;
- C. preserve the degree of order necessary to the educational program in which they are engaged;
- D. respect the rights of others;
- E. obey constituted authority and respond to those who hold that authority.

The Student Code of Conduct/Student Discipline Code designates sanctions for the infractions of rules, excluding corporal punishment, which shall:

- A. relate in kind and degree to the infraction;
- B. help the student learn to take responsibility for his/her actions;
- C. be directed, where possible, to reduce the effects of any harm which may have been caused by the student's misconduct.

Students may be prohibited by authorized school personnel from participating in all or part of co-curricular and/or extra-curricular activities without further notice, hearing or appeal rights. A student who has been disorderly on a school bus may be suspended from transportation services consistent with Board policy and the Student Code of Conduct/Student Discipline Code in cooperation with participating districts.



The Superintendent shall publish to all students and their parents the rules of the LCESC regarding student conduct and the sanctions, which may be imposed for breach of those rules. Such publication shall be included in student hand books, wherein included is a signature page for the parent acknowledging receipt of such conduct code to be signed and returned to appropriate program administrators.

The Superintendent, principals, and other administrators shall have the authority to assign discipline to students, subject to the Student Code of Conduct/Student Discipline Code and, where required by law, to the student's due process right to notice, hearing, and appeal.

Pursuant to Sections 3313.66(I) and 3313.533(A)(1), the board of education of the school district of a suspended or expelled student may provide educational services to the student in an alternative setting during the student's suspension or expulsion period.

Commencing with the 2017-18 school year, Phoenix Central will be implementing a new alternative school option for participating school districts. This will allow school districts to make temporary alternative placements for students serving a suspension or expulsion. Placement at Phoenix Central will be "in lieu" of serving the suspension or expulsion. During the placement, the student's suspension or expulsion will be held "in abeyance" while the student completes the assigned curriculum and/or other programs.

For the placement to be "in lieu of" a student's suspension or expulsion, the student will be temporarily placed at Phoenix Central for the term of the suspension or expulsion. During this term, the student will complete an assigned curriculum and/or other programs to be determined by the Phoenix Central staff, in conjunction with the student's home school district. During the student's placement, his/her suspension or expulsion is held "in abeyance", provided the student successfully completes his/her assigned curriculum and/or other programs.

Upon successful completion, the student will receive credit for his/her attendance and completion of all assigned schoolwork from the student's home school district for the term of the student's suspension or expulsion.

During the term of the student's placement at Phoenix Central, Phoenix Central reserves the right to remove the student from the program for violations of the school's Student Code of Conduct. If Phoenix Central determines that removal of the student from his/her temporary placement is necessary, the term of the student's suspension or expulsion will be imposed at that time. [Should spell out what this means for the student, i.e., consequences attached to serving actual suspension or expulsion.]

Phoenix Central reserves the right to refuse to accept students who are suspended or expelled for weapons violations, assaults, and/or drug-related issues.

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In the case of accepting a student where the assignment to an LCESC Program, such as Phoenix Central, is made "in lieu of" suspension or expulsion, or where the student's suspension or expulsion is held "in abeyance", by the student's home district, the LCESC may use an emergency removal process to activate such placement if such action is warranted. A written report and/or direct telephone call with the student's home district representative regarding such action will be provided to the district as soon as possible (within one day).

Teachers, school bus drivers, and other employees of this Board and participating districts having authority over students may take such action as may be necessary to control the disorderly conduct of students in all situations and in all places where such students are within the jurisdiction of this Board and when such conduct interferes with the educational program of the schools or threatens the health and safety of others.

Discipline on participating district vehicles shall be the responsibility of the driver on regular bus runs and home school principal. When Board vehicles are used for field trips and other Board activities, the teacher, coach, advisor, or other LCESC Board employee shall be responsible for student discipline. If a student becomes a serious discipline problem on a vehicle, the Superintendent and/or his/her designee may suspend the transportation privileges of the student providing such suspension conforms with due process. The procedures for suspension are set forth in the Student Code of Conduct/Student Discipline Code and Board Policy [5611](#) – Due Process Rights.

When an Out-of-School Suspension (OSS), In-School Suspension (ISS), or an expulsion has been issued, a copy shall be given to the parent and student, a copy to the Superintendent, and a copy shall be forwarded to the Treasurer's Office.

No student is to be detained after the close of the regular school day unless the student's parent has been contacted and informed that the student will be detained. If a parent cannot be contacted, the student should be detained on another day.

R.C. 3313.20, 3313.66, 3313.661, 3315.07, 3327.041  
A.C. 3301-35-03(G), 3301-83-08

Adopted: December 14, 2004  
Revised: April 18, 2017

**REMOVAL, SUSPENSION, AND EXPULSION OF STUDENTS**

The Governing Board recognizes that exclusion from the educational program of the schools, whether by emergency removal, suspension, expulsion, or permanent exclusion is the most severe sanction that can be imposed on a student in this District, and one that cannot be imposed without due process. However, the Board has zero tolerance of violent, disruptive or inappropriate behavior by its students.

No student is to be removed, suspended, or expelled from an activity, program, or a school unless his/her behavior represents misconduct as specified in the Student Code of Conduct approved by the Board and/or its participating districts. The Code shall also specify the procedures to be followed by school officials when implementing such discipline. In addition to the procedural safeguards and definitions set forth in this policy and the student/parent handbook, additional procedures set forth in Policy 2465 shall apply to students identified as disabled under the IDEA and /or Section 504 of the Rehabilitation Act of 1973.

Students may be subject to discipline for violation of the Student Conduct Code even if that conduct occurs on property not owned or controlled by the Board but where such conduct is connected to activities or incidents that have occurred on property owned or controlled by the Board, or conduct that, regardless of where it occurs, is directed at a District official or employee, or property of such official or employee.

For purposes of this policy and the Superintendent's administrative guidelines, the following definitions shall apply:

- A. **"Emergency removal"** shall be the exclusion of a student who poses a continuing danger to District property or persons in the District or whose behavior presents an on-going threat of disrupting the educational process provided by the District.
- B. **"Suspension"** shall be the temporary exclusion of a student by the school building administrator from the District's program for a period not to exceed ten (10) school days. If at a time of a suspension, there are fewer days remaining in the school year than the number of days of the suspension, the Superintendent shall not extend such remaining days into the next school year. The Superintendent may develop a list of appropriate alternative consequences, and set forth such in applicable guidelines.
- C. **"Expulsion"** shall be the exclusion of a student from the schools of this District for a period not to exceed the greater of eighty (80) school days or the number of school days remaining in a semester or term in which the incident that gives rise to the expulsion takes place, unless the incident involves a firearm. If a student brings a firearm on school property, in a vehicle, or to any school sponsored activity, s/he shall be expelled for one (1) year unless the Superintendent reduces the punishment for reasons related to the specific circumstances. A student may also be expelled for a year if s/he possesses a firearm or knife at school or any other property owned or controlled by the Board which firearm or knife was initially brought onto District property by another person.

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(Expulsion continued)

The Superintendent may expel a student for up to one (1) year if the student brings a knife onto school property, in a vehicle, or to any school-sponsored activity. In compliance with Federal law, the Superintendent shall also refer any student expelled for possession of a firearm to the criminal justice or juvenile delinquency system serving the District.

1. **"Firearm or Knife"**

Unless a student is permanently excluded from school, the Superintendent shall expel a student from school for a period of one (1) year for bringing a firearm or knife to a school building or on any other property (including a school vehicle) owned, controlled, or operated by the Board, to an interscholastic competition, an extra-curricular event, or to any other school program or activity that is not located in a school or on school property that is owned or controlled by the Board, except that the Superintendent may reduce this period on a case-by-case basis in accordance with this policy. Similarly, the Superintendent shall expel a student from school for a period of one (1) year for possessing a firearm or knife at school or on any other property (including a school vehicle) owned, controlled, or operated by the Board, at an interscholastic competition, an extra curricular activity, or at any other school program or activity that is not located in a school or on property that is owned or controlled by the Board, except the Superintendent may reduce this period on a case-by-case basis\* in accordance with this policy. The expulsion may extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place. The Superintendent shall refer any student expelled for bringing a firearm (as defined in 18U.S.C. 921(a) (3)) or weapon to school to the criminal justice or juvenile delinquency system serving the school district.

A **"Firearm or Knife"** is defined as any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by action of an explosive, the frame or receiver of any such weapon, any firearm muffler or silencer, or any destructive devise. A destructive device, includes, but is not limited to any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having an explosive or incendiary charge of more than one-quarter (1/4) ounce, mine, ammunition or other similar device. A knife is defined as any cutting instrument consisting of at least one sharp blade.

The Superintendent may, in his/her sole judgment and discretion, modify or reduce such expulsion in writing, to a period of less than one (1) year, on a case-by-case basis, upon consideration of the following:

- a. Applicable State or Federal laws and regulations to students with disabilities (if the misconduct is determined by a group of persons knowledgeable about the child to be a manifestation of the student's disability);
- b. The degree of culpability given the age of the student and its relevance to the misconduct and/or punishment and/or evidence regarding the probable danger posed to the health and safety of others, including evidence of the student's intent and awareness regarding possession of the firearm or knife, and/or

- c. The academic and disciplinary history of the student, including the student's response to the imposition of any prior discipline imposed for behavioral problems.
- d. **"Violent Conduct"** If a student commits an act at school, on other school property, at an interscholastic competition or practice, extra curricular event, or any other school program or activity and the act would be a criminal offense if committed by an adult; and results in serious physical harm to person(s) as defined in Revised Code Section 2901.01 (A)(5), or to property as defined Revised Code Section 2901.01(A)(6).
- e. **"Bomb Threats"** If a student makes a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat, the Superintendent may expel the student for up to one (1) year. The Superintendent may extend the expulsion into the next school year or reduce as procedures outlined before in this policy.

The Superintendent may expel the student for a period up to one (1) year. The Superintendent may extend the expulsion into the next school year or reduce the expulsion as necessary on a case-by-case basis as specified before\*. The student need not be prosecuted or convicted of any criminal act to be expelled under this provision.

- D. **"Permanent exclusion"** shall mean the student is banned forever from attending a public school in the State of Ohio. (See policy 5610.01).

If at the time of a suspension or expulsion, there are fewer days remaining in the school year than the number of days of the suspension or expulsion, the Superintendent may apply any or all of the remaining period to the following school year.

If a student is expelled for more than twenty (20) school days or for any period of time that extends into the next school year, the Superintendent shall provide the student and his/her parents with the names, addresses, and telephone numbers of those public or private agencies in the community which offer programs or services that help to rectify the student's behaviors and attitudes that contributed to the incident(s) that caused the expulsion.

If the Superintendent determines that student's behavior on a school vehicle violates school rules, s/he may suspend the student from school bus riding privileges for the length of time deemed appropriate for the violation and remediation of the behavior. Any such suspension must comply with the due process and Student Code of Conduct/Student Discipline Code.

The Board authorizes the Superintendent to provide for options to suspension/expulsion of a student from school which may include alternative educational opportunities.

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The Superintendent shall initiate expulsion proceedings against a student who has committed an act that warrants expulsion under Board policy even if the student withdraws from school prior to the hearing or decision to impose the expulsion. The expulsion must be imposed for the same duration it would have been had the student remained enrolled.

The Board may temporarily deny admittance to any student who has been expelled from the schools of another Ohio Center or an out-of-state Center, if the student's expulsion period set by the other District has not expired. The expelled student shall first be offered an opportunity for a hearing. This provision also applies to a student who is the subject of a power of attorney designating the child's grandparent as the attorney-in-fact or caretaker authorization affidavit executed by the child's grandparent and is seeking admittance into the schools of the Educational Service Center or other county schools.

When a student is expelled from a district, the Superintendent shall send a written notice to any college in which the expelled student is enrolled under the Postsecondary Enrollment Options at the time the expulsion is imposed. The written notice shall indicate the date the expulsion is scheduled to expire and that the Board has adopted a provision in Policy 2271 under R.C. 3313.613 to deny high school credit for post-secondary courses taken during an expulsion.

The Superintendent may develop an alternative placement "in-lieu" or "in abeyance" of serving a suspension or expulsion depending on the severity of the violation to student conduct. If such agreed to placement is not completed or sustained by the student, the original suspension or expulsion will be enforced. The Board authorizes the Superintendent to provide for options to suspension/expulsion of a student from school, and/or to impose a community service requirement beyond the end of the year in lieu of applying the expulsion into the following school year.

The Board designates the Superintendent as its representative at all hearings regarding the appeal of a suspension or expulsion.

Key provisions of the policy should be included in the parent-student handbook.

Cross Ref:	2465	Suspension/Expulsion of Disabled Students
	3217	Dangerous Weapons
	4217	Dangerous Weapons
	5610.01	Permanent Exclusion of Non Disabled Students
	5772	Dangerous Weapons

R.C. 2919.222, 3313.66, 3313.661, 3313.663, 3313.664, 3313.649, 3321.13 (B) (3) and (C), 3327.014

20 USC 3351(2701 et seq)-Title IX 9001-9005, 18 USC Section 921 -20 USC 8922,

18 USC 921 (a) (3)

The Gun Free Schools Act of 1994

Adopted: February, 13, 2001

Revised: April 18, 2017

**PERMANENT EXCLUSION OF NONDISABLED STUDENTS**

In accordance with the law, the Governing Board may seek to permanently exclude a student, sixteen (16) years of age or older, who has been convicted of or adjudicated for reason of any of the following offenses:

- A. carrying a concealed weapon or conveying or possessing a deadly weapon or dangerous ordinance on the property owned or controlled by a Board of Education or at an activity held under the auspices of this Board
- B. possessing, selling, or offering to sell controlled substances on property owned or controlled by the Board of Education or at an activity under the auspices of the Board
- C. complicity to commit any of the above offenses, regardless of where the complicity occurred.

In accordance with the law, any student sixteen (16) years of age or older, who has been convicted or adjudicated delinquent for committing any of the following offenses may be subject to permanent exclusion:

- A. rape, gross sexual imposition or felonious sexual penetration
- B. murder, manslaughter, felonious or aggravated assault
- C. complicity to commit offenses described in paragraphs A and B, regardless

The above statement of policy on permanent exclusion is to be posted in a central location in each school as well as made available to students, upon request.

If the Superintendent has adequate evidence that a student, sixteen (16) years old or older at the time of the offense, has been convicted of or is an adjudicated delinquent resulting from any of the above offenses, s/he shall submit a written recommendation to the Board that the student should be permanently excluded from the public schools by the State Superintendent of Public Instruction. The recommendation is to be accompanied by the evidence, other information required by statute, and the name and position of the person who should present the District's case to the State Superintendent. The Board, after considering all the evidence, including the hearing of witnesses, shall take action within fourteen (14) days after receipt of the Superintendent's recommendation.

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If the Board adopts the resolution, the Superintendent shall submit it to the State Superintendent, together with the required documents and the name of the person designated by the Board as its representative to present the case to the State Superintendent. A copy of the resolution shall be sent to both the student and his/her parents.

If the Board fails to pass the resolution, it shall so notify the Superintendent, in writing, who, in turn, shall provide written notification of the Board's action to both the student and his/her parents.

If the State Superintendent rejects the Board's request, the District Superintendent shall readmit the student in accordance with statute and District guidelines.

If the State Superintendent acts on the Board's request, his/her actions and those of the District shall be in accord with the procedures described in statute.

Cross Ref: 2465 Suspension/Expulsion of Disabled Students

R.C. 2151.27, 2903.03-.04, 2903.11-.12, 2907.02, 2907.05, 2907.12, 2923.12,

R.C. 2923.22, 2925.03, 2923.01-.02, 2923.122

R.C. 3313.66, 3313.661, 3313.662

Adopted: February 13, 2001



**IN-SCHOOL RESTRICTION**

It is the purpose of this policy to allow for an alternative to out-of-school suspension. The availability of this option is dependent upon the financial ability of the Governing Board to support it in cooperation with participating districts.

The Superintendent shall prepare appropriate administrative guidelines which include the provision that:

- A. in-school restriction shall be offered at the discretion of the principal, administrator in charge, for offenses found in the Student Code of Conduct.
- B. in-school restriction not be offered as an option when, in the opinion of the principal/administrator, the offense is criminal in nature.

R.C. 3313.66, 3313.661

Adopted: February 13, 2001

**EMERGENCY REMOVAL**

If a student's presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process taking place either in a classroom or elsewhere on school premises, then the Superintendent, principal or assistant principal, or administrator in charge, may remove the student from curricular activities or from the school premises. A teacher may remove the student from curricular activities under the teacher's supervision, but not from the premises. If a teacher makes an emergency removal, the teacher will notify a building administrator of the circumstances surrounding the removal within one (1) school day. No prior notice or hearing is required for any removal under this policy. In all cases of normal disciplinary procedures where a student is removed from a curricular activity for less than one (1) school day and is not subject to further suspension or expulsion, the following due process requirements do not apply.

If the emergency removal exceeds one (1) school day, then a due process hearing will be held within three (3) school days after the removal is ordered. Written notice of the hearing and the reason for the removal and any intended disciplinary action will be given to the student as soon as practical prior to the hearing. If the student is subject to out-of-school suspension, the student will have the opportunity to appear at an informal hearing before the principal, assistant principal, Superintendent or designee and has the right to challenge the reasons for the intended suspension or otherwise explain his/her actions. Within one (1) school day of the decision to suspend, written notification will be given to the parent(s)/guardian(s) or custodian of the student and Treasurer of the Board of Education. This notice will include the reasons for the suspension, the right of the student or parent(s)/guardian(s) to appeal to the Board or its designee and the student's right to be represented in all appeal proceedings. If it is probable that the student may be subject to expulsion, the hearing will take place within three (3) school days and will be held in accordance with the procedures outlined in the Policy [5611](#) – Due Process Rights. The person who ordered or requested the removal will be present at the hearing.

If the Superintendent or principal reinstates a student prior to the hearing for emergency removal, the teacher may request and will be given written reasons for the reinstatement. The teacher cannot refuse to reinstate the student.

In an emergency removal, a student can be kept from class until the matter of the misconduct is disposed of either by reinstatement, suspension or expulsion.

R.C. 3313.66, 3313.661, 3313.662

A.C. Chapter 2506

Adopted: December 14, 2004

**SUSPENSION OF BUS RIDING/TRANSPORTATION PRIVILEGES**

Students on a bus or other authorized participating district Board of Education transportation vehicles are under the authority of and directly responsible to the bus/vehicle driver. The driver has the authority to enforce the established regulations for bus/vehicle conduct. Disorderly conduct or refusal to submit to the authority of the driver will be sufficient reason for refusing transportation service to any student.

A student may be suspended from school bus/vehicle riding privileges for all or part of a school year for any violation of established regulations for bus conduct and/or for conduct occurring on the bus/vehicle in violation of the Student Code of Conduct/Student Discipline Code.

Before a suspension from bus/vehicle riding privileges is imposed, the Superintendent or other designated District personnel will provide a student with notice of an intended suspension and an opportunity to appear before the Superintendent or other designated District personnel. Disciplinary suspension periods will be commensurate with the infraction(s) committed as determined by the participating district Superintendent or designated District personnel. Such suspension of bus services can be immediate pending outcome of the hearing process to uphold or overturn such decision.

Any additional guidelines regarding conduct on school buses/vehicles, as well as general information about the school transportation program will be made available to all parents and students and posted in a central location.

R.C. 3319.41, 3327.01, 3327.014

A.C. 3301-83-08

Adopted: December 14, 2004

**PROHIBITION FROM EXTRA-CURRICULAR ACTIVITIES**

Participation in extra-curricular activities, including interscholastic sports, is a privilege and not a right. Therefore, the Governing Board authorizes the Superintendent, in cooperation with participating district superintendents, principals, and assistant principals and other authorized personnel employed by the participating district to supervise or coach a student activity program, to prohibit a student from participating in any particular or all extra-curricular activities of the District for offenses or violations of the Student Code of Conduct/Student Discipline Code for a period not to exceed the remainder of the school year in which the offense or violation of the Student Code of Conduct/Student Discipline Code took place.

In addition, student athletes are further subject to the Athletic Code of Conduct and may be prohibited from participating in all or part of any interscholastic sport for violations therein.

Students prohibited from participation in all or part of any extra-curricular activity are not entitled to further notice, hearing, or appeal rights.

This policy shall be posted in a central location in each school building and will be available to students upon request.

R.C. 3313.664

Adopted: December 14, 2004

### **DUE PROCESS RIGHTS**

The Governing Board recognizes that students waive certain constitutional rights, regarding their education.

Accordingly, the Board establishes the following procedures:

**A. Students subject to suspension:**

When a student is being considered for an out-of-school suspension by the Superintendent, principal, or other administrator:

1. The student will be informed in writing of the potential suspension and the reasons for the proposed action.
2. The student will be provided an opportunity for an informal hearing to challenge the reason for the intended suspension and to explain his/her actions.
3. An attempt will be made to notify parents or guardians by telephone if a suspension is issued.
4. Within one (1) school day of the suspension the Superintendent, principal, or other administrator will notify the parents, guardians, or custodians of the student and the Treasurer of the Board. The notice will include the reasons for the suspension and the right of the student, parent, guardian, or custodian to appeal to the Board or its designee; the right to be represented at the appeal; and the right to request the hearing be held in executive session if before the Board. If the offense is one for which the District may seek permanent exclusion, then the notice will contain that information.
5. Notice of this suspension will also be sent to the: Superintendent, Treasurer, student's school record (not for inclusion in the permanent record);

If a student leaves school without permission immediately upon violation (or suspected violation) of a provision of the Student Code of Conduct/Student Discipline Code or prior to an administrator conducting an informal hearing as specified above, and the student fails to return to school on the following school day, the principal, assistant principal, Superintendent, or any other administrator, may send the student and his/her parent(s)/guardian(s) notice of the suspension, and offer to provide the student and/or his/her parents an informal hearing upon request to discuss the reasons for the suspension and to allow the student to challenge the reasons and to explain his/her actions, any time prior to the end of the suspension period.

#### **Appeal of Suspension to the Board or its designee**

The student who is eighteen (18) or older or the student's parent(s) or guardian(s) may appeal the suspension to the Superintendent. They may be represented in all such appeal proceedings. The procedure to pursue such appeal will be provided in regulations approved by the Superintendent. Notice of appeal must be filed with the Treasurer or the Superintendent within five (5) school days of the notice to suspend.

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### **Appeal to the Court**

Under Ohio Law, appeal of the Board's or its designee's decision may be made to the Court of Common Pleas

### **B. Students subject to expulsion:**

When a student is being considered for expulsion by the Superintendent:

1. The Superintendent will give the student and parent, guardian, or custodian written notice of the intended expulsion, including reasons for the intended expulsion.
2. The student and parent or representative have the opportunity to appear before the Superintendent or designee to challenge the proposed action or to otherwise explain the student's actions. The written notice will state the time and place to appear, which must not be earlier than three (3) school days nor later than five (5) school days after the notice is given, unless the Superintendent grants an extension upon request of the student or parent.
3. Within one (1) school day of the expulsion, the Superintendent will notify the parents, guardians, or custodians of the student and Treasurer of the Board. The notice will include the reasons for the expulsion and the right of the student, parent, guardian, or custodian to appeal to the Board or its designee; the right to be represented at the appeal; and the right to request the hearing be held in executive session if before the Board. If the offense is one for which the District may seek permanent exclusion, then the notice will contain that information.

When an Out-of-School Suspension (OSS), In-School Suspension (ISS), or an expulsion has been issued, a copy shall be given to the parent and student, a copy to the Superintendent, and a copy shall be forwarded to the Treasurer's Office

### **Appeal of Expulsion to the Board**

A student who is eighteen (18) or older or a student's parent(s) or guardian(s) may appeal the expulsion by the Superintendent to the Board or its designee. They may be represented in all such appeal proceedings and will be granted a hearing before the Board or its designee.

The procedure to pursue such appeal will be in accordance with regulations approved by the Superintendent. Notice of intent to appeal must be filed within ten (10) school days of the Superintendent's decision to expel to the Board directly or through the Superintendent's office.

### **Appeal to the Court**

Under State law, the decision of the Board may be further appealed to the Court of Common Pleas.

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**Students subject to emergency removal:**

Students whose conduct warrants emergency removal shall be dealt with in accordance with the rights and procedures outlined in Policy 5610.03 – Emergency Removal.

**Students subject to permanent exclusion:**

Students whose conduct is that for which permanent exclusion is warranted shall be dealt with in accordance with the rights and procedures outlined in Policy 5610.01 – Permanent Exclusion of Nondisabled Students.

**Students subject to suspension from bus riding/transportation privileges:**

in accordance with procedures outlined in Policy 5610.04 - Suspension of Bus.

The Superintendent shall ensure that all members of the staff use the above procedures when dealing with students. In addition, this statement of due process rights is to be placed in all student handbooks in a manner that will facilitate understanding by students and their parents.

These procedures shall not apply to in-school disciplinary alternatives including in-school suspensions. An in-school suspension is one served entirely within a school setting. Nor shall these disciplinary alternative procedures apply to students who are prohibited by authorized school personnel from all or part of their participation in co-curricular, interscholastic, and/or non-interscholastic extra-curricular activities.

When an Out-of-School Suspension (OSS), In-School Suspension (ISS), or an expulsion has been issued, a copy shall be given to the parent and student, a copy to the Superintendent, and a copy shall be forwarded to the Treasurer's Office.

R.C. 3313.20, 3313.66, 3313.661

Adopted: February 13, 2001

Revised: May 13, 2014

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**CORPORAL PUNISHMENT**

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

Professional staff should not find it necessary to resort to physical force or violence to compel obedience. If all other means fail, staff members may always resort to removal of the student from the classroom or school through suspension or expulsion procedures. Exceptions may be determined for special education students under an Individual Educational Plan (I.E.P.). In such circumstances, the State of Ohio Model for Policies and Procedures for discipline of disabled students shall be followed.

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

Corporal punishment is not permitted to be administered by Licking County Educational Service Center staff. If any employee threatens to inflict, inflicts, or causes to inflict unnecessary, unreasonable, irrational or inappropriate force on a student, s/he may be subject to discipline by this Board and possibly charges of child abuse reported as well. This prohibition applies as well to volunteers and those with whom the Center contracts for services.

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

Adopted: November 10, 1999

Revised: December 9, 2009



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## POSITIVE BEHAVIOR INTERVENTION AND SUPPORTS AND LIMITED USE OF RESTRAINT AND SECLUSION

The Governing Board is committed to the Center-wide use of Positive Behavior Intervention and Supports ("PBIS") with students, and the establishment of a school environment focused on the care, safety, and welfare of all students and staff members. Student Personnel shall work to prevent the need for the use of restraint and/or seclusion. PBIS shall serve as the foundation for the creation of a learning environment that promotes the use of evidence-based behavioral interventions, thus enhancing academic and social behavioral outcomes for all students. An emphasis shall be placed on promoting positive interventions and solutions to potential conflicts. PBIS emphasizes prevention of student behavior problems through the use of non-aversive techniques, which should greatly reduce, if not eliminate, the need to use restraint and/or seclusion.

Professional staff members and support staff determined appropriate by the Superintendent are permitted to physically restrain and/or seclude a student, but only when there is immediate risk of physical harm to the student and/or others, there is no other safe and effective intervention possible, and the physical restraint or seclusion is used in a manner that is age and developmentally appropriate and protects the safety of all children and adults at school.

All restraint and seclusion shall only be done in accordance with this Policy, which is based on the standards adopted by the State Board of Education regarding the use of student restraint and seclusion.

Training in methods of PBIS and the use of restraint and seclusion will be provided to all professional staff and support staff determined appropriate by the Superintendent. Training will be in accordance with the State's Standards. Only school staff who are trained in permissible seclusion and physical restraint measures shall use such techniques.

Every use of restraint and seclusion shall be documented and reported in accordance with this Policy. This Policy shall be made available to parents annually and shall be published on the District's website.

### DEFINITIONS

**Aversive behavioral interventions** means an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including such interventions as application of noxious, painful, and/or intrusive stimuli, including any form of noxious, painful or intrusive spray, inhalant, or taste.

**Chemical restraint** means a drug or medication used to control a student's behavior or restrict freedom of movement that is not prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under Ohio law, for the standard treatment of a student's medical or psychiatric condition.

**De-escalation techniques** are strategically employed verbal or non-verbal interventions used to reduce the intensity of threatening behavior before a crisis situation occurs.

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**Functional behavior assessment** ("FBA") is a collaborative problem-solving process that is used to describe the "function" or purpose that is served by a student's behavior. Understanding the "function" that an impeding behavior serves for the student assists directly in designing educational programs and developing behavior plans with a high likelihood of success.

**Mechanical restraint** means any method of restricting a student's freedom of movement, physical activity, or normal use of the student's body, using an appliance or device manufactured for this purpose. Mechanical restraint does *not* mean devices used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including:

- A. restraints for medical immobilization;
- B. adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or
- C. vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

**Parent** means:

- A. a biological or adoptive parent;
- B. a guardian generally authorized to act as the child's parent, or authorized to make decisions for the child (but not the State if the child is a ward of the State);
- C. an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare;
- D. a surrogate parent who has been appointed in accordance with Ohio Administrative Code 3301-51-05(E); or
- E. any person identified in a judicial decree or order as the parent of a child or person with authority to make educational decisions on behalf of child.

**Physical escort** means the temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip, or back for the purpose of inducing a student to move to a safe location.

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**Physical restraint** means the use of physical contact that immobilizes or reduces the ability of a student to move his/her arms, legs, body, or head freely. Physical restraint does *not* include a physical escort, mechanical restraint, or chemical restraint. Physical restraint does *not* include brief physical contact for the following or similar purposes to:

- A. break up a fight;
- B. knock a weapon away from a student's possession;
- C. calm or comfort;
- D. assist a student in completing a task/response if the student does not resist the contact; or
- E. prevent an impulsive behavior that threatens the student's immediate safety (e.g., running in front of a car).

**Positive Behavior Intervention and Supports ("PBIS")** means a school-wide systematic approach to embed evidence-based practice and data-driven decision making to improve school climate and culture in order to achieve improved academic and social outcomes, and increase learning for all students. PBIS encompasses a range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrences of challenging behaviors, and teach appropriate behaviors to students.

**Positive Behavior Support Plan** means the design, implementation, and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction, to produce significant improvements in behavior through skill acquisition and the reduction of problematic behavior.

**Prone restraint** means physical or mechanical restraint while the student is in the face-down position for an extended period of time.

**Seclusion** means the involuntary isolation of a student in a room, enclosure, or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier. It does not include a time-out.

**Student** means a child or adult aged three (3) to twenty-one (21) enrolled in the District.

**Student Personnel** means teachers, principals, counselors, social workers, school resource officers, teacher's aides, psychologists, bus drivers, or other District staff who interact directly with students.

**Timeout** means a behavioral intervention in which the student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her own behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

### **POSITIVE BEHAVIOR INTERVENTION AND SUPPORTS**

Positive Behavior Intervention and Supports ("PBIS") creates structure in the environment using a non-aversive effective behavioral system to improve academic and behavior outcomes for all students.

The PBIS prevention-oriented framework or approach shall apply to all students and staff, and in all settings. PBIS shall include:

- A. school staff trained to identify conditions such as where, under what circumstances, with whom, and why specific inappropriate behavior may occur;
- B. preventative assessments that include:
  - 1. review of existing data;
  - 2. interviews with parents, family members, and students; and
  - 3. examination of previous and existing behavioral intervention plans.
- C. development and implementation of preventative behavioral interventions, and the teaching of appropriate behavior, including:
  - 1. modification of environmental factors that escalate inappropriate behavior;
  - 2. supporting the attainment of appropriate behavior; and
  - 3. use of verbal de-escalation to defuse potentially violent dangerous behavior.

The Superintendent shall develop emergency procedures for the District.

### **SECLUSION**

Seclusion may be used only when a student's behavior poses an immediate risk of physical harm to the student or others and no other safe and effective intervention is possible. Seclusion may be used only as a last resort safety intervention that provides the student with an opportunity to regain control of his/her actions. Seclusion must be used in a manner that is age and developmentally appropriate, for the minimum amount of time necessary for the purpose of protecting the student and/or others from physical harm, and otherwise in compliance with this Policy and the Ohio Department of Education's ("ODE") corresponding policy.

Seclusion shall be implemented only by Student Personnel who have been trained in accordance with this Policy to protect the care, welfare, dignity and safety of the student.

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### **Additional requirements for the use of seclusion:**

If Student Personnel use seclusion, they must:

- A. continually observe the student in seclusion for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
- B. use verbal strategies and research-based de-escalation techniques in an effort to help the student regain control as quickly as possible;
- C. remove the student from seclusion when the immediate risk of physical harm to the student and/or others has dissipated;
- D. assess the student for injury or psychological distress after the use of seclusion, and monitor the student as needed following the incident;
- E. complete all required reports and document their observations of the student;  
  
conduct a debriefing including all involved staff to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs; and

### **Requirements for a room or area used for seclusion:**

A room or area used for seclusion must provide for adequate space, lighting, ventilation, clear visibility, and the safety of the student.

A room or area used for seclusion *must not be locked* or otherwise prevent the student from exiting the area should staff become incapacitated or leave the area.

### **Additional prohibited seclusion practices:**

Seclusion shall never be used as a punishment or to force compliance. Seclusion shall not be used:

- A. for the convenience of staff;
- B. as a substitute for an educational program;
- C. as a form of discipline or punishment;
- D. as a substitute for less restrictive alternatives;
- E. as a substitute for inadequate staffing;
- F. as a substitute for staff training in positive behavior supports and crisis prevention and intervention;
- G. as a means to coerce, retaliate, or in a manner that endangers a student; or
- H. if it deprives the student of basic needs.

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Seclusion of preschool-age children is prohibited, except that a preschool-age child may be secluded from his or her classmates, either in the classroom or in a safe, lighted, and well-ventilated space, for an amount of time that is brief in duration and appropriate to the child's age and development, if the child is always within sight and hearing of a preschool staff member.

### **RESTRAINT**

There are different types of restraint, as defined above, including physical restraint, prone restraint, mechanical restraint, and chemical restraint. The use of restraint other than physical restraint is prohibited.

Physical restraint may be used only when the student's behavior poses an immediate risk of physical harm to the student and/or others and no other safe and/or effective intervention is possible. The physical restraint must be implemented in a manner that is age and developmentally appropriate, does not interfere with the student's ability to communicate in his/her primary language or mode of communication, and otherwise in compliance with this Policy and the ODE's corresponding policy.

Physical restraint shall be implemented only by Student Personnel who have been trained in accordance with this Policy to protect the care, welfare, dignity and safety of the student, except in the case of rare and unavoidable emergency situations when trained personnel are not immediately available.

### **Additional requirements for the use of physical restraint:**

If Student Personnel use physical restraint, they must:

- A. continually observe the student in restraint for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
- B. use verbal strategies and research-based de-escalation techniques in an effort to help the student regain control as quickly as possible;
- C. remove the student from physical restraint immediately when the immediate risk of physical harm to the student and/or others has dissipated;
- D. conduct a debriefing including all involved staff to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs; and
- E. complete all required reports and document their observations of the student;  
  
assess the student for injury or psychological distress after the use of seclusion, and monitor the student as needed following the incident;

Physical restraint shall not be used for punishment or discipline, or as a substitute for other less restrictive means of assisting a student in regaining control.

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## **Prohibited Restraint Practices**

The following restraint practices are prohibited under all circumstances, including emergency safety situations:

- A. prone restraint as defined in Executive Order 2009-13 (which defines prone restraint to mean "all items or measures used to limit or control the movement or normal functioning of any portion, or all, of an individual's body while the individual is in a face-down position for an extended period of time");
- B. physical restraint that restricts the airway of a student or obstructs the student's ability to breathe;
- C. physical restraint that impacts the student's primary mode of communication;
- D. restraint that deprives the student of basic needs;
- E. restraint that unduly risks serious harm or needless pain to the student, including physical restraint that involves the intentional, knowing, or reckless use of any of the following techniques:
  - 1. using any method that is capable of causing loss of consciousness or harm to the neck or restricting/obstructing respiration in any way;
  - 2. pinning down the student by placing knees to the torso, head and/or neck of the student;
  - 3. using pressure points, pain compliance, or joint manipulation;
  - 4. dragging or lifting of the student by the hair or ear or by any type of mechanical restraint;
  - 5. using other students or untrained staff to assist with the hold or restraint; or
  - 6. securing the student to another student or to a fixed object.
- F. mechanical restraint (that does not include devices used by trained Student Personnel, or by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed); or
- G. chemical restraint (which does not include medication administered as prescribed by a licensed physician).

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### **ADDITIONAL PROHIBITED PRACTICES**

The following practices are prohibited under all circumstances, including emergency safety situations:

- A. corporal punishment;
- B. child endangerment as defined in Ohio Revised Code 2919.22; and
- C. aversive behavioral interventions.

### **CONTACT LAW ENFORCEMENT AND/OR EMERGENCY RESPONSE PERSONNEL**

In accordance with the Board's Emergency Management Plan (see Policy 8400), Center personnel shall contact law enforcement and / or appropriate emergency response personnel if at any point they determine that an intervention (either a restraint or seclusion) is insufficient to maintain the safety of all involved.

### **FUNCTIONAL BEHAVIORAL ASSESSMENT AND BEHAVIOR INTERVENTION PLAN**

If a student repeatedly engages in dangerous behavior that leads to instances of restraint and/or seclusion, District personnel shall conduct a functional behavioral assessment to identify the student's needs and more effective ways of addressing those needs. If necessary, District personnel shall also develop a behavior intervention plan that incorporates positive behavioral interventions.

### **TRAINING AND PROFESSIONAL DEVELOPMENT**

The District shall provide training as follows:

- A. All Student Personnel, as defined in this Policy, shall be trained annually on the requirements of the Ohio Department of Education's Policy on Positive Behavior Intervention and Supports, and Restraint and Seclusion; Ohio Administrative Code 3301-51-15; and this Policy.
- B. the Superintendent, in consultation with school building principals shall identify which District employees should receive additional training so that an adequate number of personnel in each building are trained in crisis management and de-escalation techniques, including the use of restraint and seclusion. District employees who receive such additional training must keep their training current in accordance with the requirements of the provider of the training.
- C. The Superintendent shall develop a plan to provide training to school personnel, as defined in this Policy, so that Positive Behavior Intervention and Supports are implemented on a District-wide basis.

The District shall maintain written or electronic documentation on training provided and lists of participants in each training. Only individuals trained in accordance with this Policy in the appropriate use of restraint and seclusion may use those techniques.



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## **MONITORING AND COMPLAINT PROCEDURES**

**The Superintendent shall monitor the implementation of this policy.**

Any parent of a child enrolled in school in the District may submit a written complaint to the Superintendent regarding an incident of restraint or seclusion. The Superintendent shall investigate each written complaint and respond in writing to the parent's complaint within thirty (30) days of receipt of the complaint.

If the parent is not satisfied with the response provided, the parent may request to meet with the Board in executive session to address the situation.

A parent of a child with a disability (as defined by R.C. 3323.01) may file a complaint with the Ohio Department of Education, Office of Exceptional Children, in accordance with the complaint procedures available under A.C. section 3301-51-05 (K)(4)-(6).

## **REQUIRED DATA AND REPORTING**

Each use of restraint or seclusion shall be:

- A. documented in writing;
- B. reported to the building administration immediately;
- C. reported to the parent immediately; and
- D. documented in a written report.

A copy of the written report shall be made available to the student's parent or guardian within twenty-four (24) hours of the use of restraint or seclusion. A copy of the written report shall also be maintained in the student's file.

All written documentation of the use of restraint or seclusion are educational records pursuant to the Family Educational Right to Privacy Act ("FERPA"), and district personnel are prohibited from releasing any personally identifiable information to anyone other than the parent, in accordance with FERPA's requirements.

The Superintendent shall develop a process for the collection of data regarding the use of restraint and seclusion.

The Superintendent shall report information concerning the use of restraint and seclusion annually to the Ohio Department of Education as requested by that agency, and shall make the District's records concerning restraint and seclusion available to the staff of the Ohio Department of Education upon request.

\* Adapted from the Ohio Department of Education's Policy on Positive Behavior Intervention and Supports, and Restraint and Seclusion, adopted January 15, 2013.

Adopted: June 11, 2103

Revised: May 9, 2017

**STUDENT SPONSORED PUBLICATIONS**

The Governing Board respects the right of students to express themselves and to distribute printed materials when approved by the building principal/administrator as a part of that expression, but recognizes that the exercise of that right must be limited by the responsibility to maintain an orderly school environment and to protect the rights of all members of the school community.

The Board reserves the right to designate and prohibit the distribution of publications which are not protected by the right of free expression if they violate the rights of others.

R.C. 3313.20, 3599.09

Adopted: December 14, 2004

**SCHOOL SPONSORED PUBLICATIONS**

The Governing Board encourages participating districts to sponsor student publications as a means for students to learn, under adult direction, the rights and responsibilities of the press in a free society.

Such publications also play a vital role in the school program.

In sponsoring a student publication, the Board is mindful of the fact that the publication could be available to any student attending this school, and must, therefore, be generally suitable for all students.

Materials which violate or may violate the rights of others may not be published.

The decision on publication shall be made by the advisor and principal and with appeal to the Superintendent.

R.C. 3313.20

Adopted: December 14, 2004

**ACCESS OF STUDENT ORGANIZATIONS**

The Governing Board will not permit the use of school facilities by non-District-sponsored, student clubs and activities or District-sponsored, non curriculum-related clubs and activities during instructional hours.

The building principal may take such actions as may be necessary to maintain order and discipline on school premises and to protect the safety and well-being of students and staff members.

R.C. 3313.75, 3313.76, 3313.77

20 U.S.C. 4071 et seq.

P.L. 98-377

Adopted: December 14, 2004

**PARENTAL STATUS OF STUDENTS**

No student, whether married or unmarried, who is otherwise eligible to attend the schools of this District shall be denied an educational program solely because of pregnancy, childbirth, pregnancy-related disabilities, or actual or potential parenthood.

The Governing Board reserves the right to require as a prerequisite for attendance in the regular classes of the schools and the co-curricular program of the schools that each pregnant student present to the principal her physician's written statement that such activity will not be injurious to her health nor jeopardize her pregnancy.

A pregnant student who is unable to attend regular classes during her pregnancy may, on her request, be assigned to an alternate educational program. Such program may include individual (home) instruction and/or a program of instruction which may be offered by another school district or institution designed to respond to the special educational needs of the pregnant student as well as to continue her regular education.

A student who has received an alternate educational program for reasons associated with her pregnancy shall be readmitted to the regular school program upon her request and the written statement of a physician that she is physically fit to do so.

A pregnant student will be considered on an excused absence for so long as is deemed medically necessary by the student's physician. At the conclusion of the absence, the student shall be reinstated to the status she held when the absence began.

R.C. 2151.85, 2505.073, 3321.01 et seq.

Adopted: December 14, 2004

Revised: June 14, 2011

**SEARCH AND SEIZURE**

The Governing Board recognizes that the privacy of students or his/her belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion or in an unreasonable manner.

**School Property**

The Governing Board acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Such spaces remain the property of the Board and, in accordance with law, may be the subject of random search. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have such an expectation of privacy as to prevent examination by a school official. The Board directs the school building administrators to conduct a routine inspection at least annually of all such storage places.

School authorities are charged with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search the person or property, including vehicles, of a student, with or without the student's consent, whenever they reasonably suspect that the search is required to discover evidence of a violation of law or of school rules. The extent of the search will be governed by the seriousness of the alleged infraction the student's age, and the student's disciplinary history. Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened.

The Board also authorizes the use of canines, trained in detecting the presence of drugs or devices, when the Superintendent has reasonable suspicion that illegal drugs may be present in a school. This means of detection shall be used only to determine the presence of drugs in locker areas and other places on school property where such substances could be concealed. Canine detection must be conducted in collaboration with law enforcement authorities and is not to be used to search individual students unless the law enforcement authorities deem it necessary and conduct the search.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

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Except as provided below, a request for the search of a student or a student's possessions will be directed to the building administrator who shall seek the freely offered consent of the student to the inspection. Whenever possible, a search will be conducted by the building administrator in the presence of the student and a staff member other than the building administrator. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

The building administrator shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search; the persons present when the search was conducted; any substances or objects found; and the disposition made of them. The building administrator shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

Administrators are authorized to arrange for the use of a breath-test instrument for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level, since the Board has established a zero tolerance for alcohol use.

The administrative guidelines shall include procedures in sync with those prescribed by Licking County Prosecutors Office.

Related Policies:

2416 Surveys – Analysis – Evaluations

5540 Interviewing Students

R.C. 3313.20

Adopted: November 10, 1999

Revised: June 7, 2016

**DANGEROUS WEAPONS**

The Governing Board prohibits students from possessing, storing, making, or using a weapon, including a concealed weapon, in a school safety zone and any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school sponsored event, or in a Board-owned vehicle.

The term “weapon” means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type whatsoever, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

Students shall report any information concerning weapons and / or threats of violence by students, staff members, or visitors to the building person in charge (supervisor or teacher in charge). Failure to report such information may subject the student to disciplinary action.

This policy shall also encompass such actions as false fire alarms, bomb threats, or intentional calls to falsely report a dangerous condition.

The Superintendent will refer any student who violates this policy to the student’s parents or guardians and to the criminal justice or juvenile delinquency system. The student may also be subject to disciplinary action, up to and including expulsion.

This policy will be published annually in student and staff handbooks. Publication is not a precondition to enforcement of this policy.

Cross Ref:

5111	Eligibility of Resident and Non Resident Students
5610	Suspension
5611	Due Process Rights
5630	Discipline of Students

R.C. 3313.66, 3313.661, 3321.13 (B) (3) and (C),  
20 USC 3351, 18 USC Section 921, 981 - The Gun Free Schools Act of 1994  
R.C. 3313.20

Adopted: November 10, 1999  
Revised: July 20, 2004



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## FUND RAISING

The Governing Board acknowledges that the solicitation of funds from students must be limited since compulsory attendance laws make the student a captive donor and since such solicitation may disrupt the program of the schools. For purposes of this policy "student fund raising" shall include the solicitation and collection of money for any purpose and shall include the collection of money in exchange for tickets, papers or any other goods or services for approved student activities. Policy 6670 provides the procedures for both administrator/staff lead fund raisers and parent lead programs. Guidelines should include a clear "purpose statement" and budget proposal to show good intent of the effort to sell for a worthwhile gain.

The Board will permit student fund raising by students in school or on school property or at any school-sponsored event only when the profit therefrom is to be used for school purposes or for an activity connected with the schools.

All food items and beverages available for sale to students that will be consumed on school grounds during the school day as fund raisers, including items sold by student clubs and organizations, parent groups, or booster clubs shall comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards.

Fundraisers also include giving away goods or services, but suggests a monetary donation. All activities must be approved by the program administrator in advance. If approved, fundraisers that involve the sale of food items or beverages to students on campus must be consistent with regulations established in Policy 8500.

Fund raising by approved school organizations, those whose funds are managed by the Treasurer may be permitted in school when approved and regulated by the principal/director. Advisors for approved school organizations shall not accept any form of compensation from vendors that might influence their selection on a vendor that will provide a fund-raising activity or a product that will be sold as a fund-raiser. Furthermore, advisors for approved school organizations shall not accept any compensation from a vendor after a decision has been made regarding a fund-raising activity or a product that will be sold as a fund-raiser. In addition, advisors for approved school organizations who make the selection of a vendor that will provide a fund-raising activity or a product that will be sold as a fund-raiser shall not enter into a contractual arrangement whereby an advisor receives compensation in any form from the vendor that provides a fund-raising activity or a product that will be sold as a fund-raiser.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value (see policy 6460). In the event that an advisor of an approved school organization receives such compensation, albeit unsolicited, from a vendor, the individual shall notify the Treasurer, in writing, that s/he received such compensation and shall thereafter properly transmit said compensation to the Treasurer at his/her earliest opportunity.

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Use of the name, logo, or any assets of the Educational Service Center, including but not limited to facilities, technology, or communications networks, is prohibited without the specific permission of the Superintendent.

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extracurricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval of the Superintendent.

These administrative guidelines for such student fundraising should:

- A. Specify the times and places in which funds may be collected;
- B. Describe permitted methods of solicitation which do not place undue pressure on students;
- C. Limit the kind and amount of advertising for solicitation.

Advisors for approved school organizations shall not accept any form of compensation from vendors that might influence their selection of a vendor or product that will be sold as fundraiser. Nor shall they accept any kind of compensation after a decision has been made regarding a fundraising activity or product that will be sold.

In the event that an advisor of an approved school organization receives such compensation, albeit unsolicited, from a vendor, the individual shall notify the Treasurer, in writing, that s/he received such compensation and shall thereafter properly transmit said compensation to the Treasurer at his/her earliest opportunity.

The Superintendent shall distribute this policy and this guideline which implements it to each student organization granted permission to solicit funds.

R.C. 3313.811; Auditor of State Bulletin 2000-006, Auditor of State Bulletin 2000-006

7 C.F.R. parts 210 & 220; see Policy 6605

Adopted: December 14, 2004;

Revised: February 14, 2017

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**STUDENT GROUPS**

It is the policy of the Governing Board that student groups be recognized as authorized school organizations **only if** they are approved by the school administration, sponsored by school-approved personnel, composed of members of the current student body, hold their meetings at school, and have established aims which are educational in nature.

Membership or participation in the organization or operation of any fraternity, sorority, or other secret group as described by law is prohibited throughout the School District. In particular, the Board shall not tolerate any type of gang or gang-related activities to occur on District property or while students are under the auspices of the Board.

Adopted: December 14, 2004

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## **SOCIAL EVENTS AND CLASS TRIPS**

The Governing Board recognizes the value of student social events and class trips in enhancing and enriching the school experience for the children of this community.

As voluntary participants in school social events and class trips, students shall be held responsible for compliance with rules set forth for their conduct, and infractions of those rules will be subject to the same disciplinary measures as are applied during the regular school program.

Participation in school events is not a right and may be denied to any student who has demonstrated disregard for the rules of the school.

R.C. 3313.20

Adopted: December 14, 2004

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## **WORK PERMITS**

The Governing Board delegates to the participating district superintendent and high school principal authorization to issue work permits for the district students in LCESC programs through the on-line state program.

Adopted: December 14, 2004

**PUBLIC PERFORMANCES BY STUDENTS**

The Governing Board recognizes the value to students of sharing their talents and skills with the community through participation and performances in public events.

The Board endorses such performances when:

- A. they constitute a learning experience which contributes to the educational program;
- B. the circumstances of the event do not pose a threat to the health, safety and well-being of the students who will be involved.

All requests for public performances by students require the approval of the Director, who in turn shall inform the Superintendent of such events in advance.

When public performances are scheduled as a regular part of a course of study taken for credit, students and parents shall be informed in advance of the obligation to participate; and students will be excused from participation only in accordance with the rules and procedures governing school attendance.

R.C. 3313.20

Adopted: December 14, 2004