

Policy
BOARD OF EDUCATION

OPERATIONS

LICKING COUNTY EDUCATIONAL SERVICE CENTER

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**MANDATORY REPORTING OF MISCONDUCT
BY LICENSED EMPLOYEES**

The Governing Board recognizes its responsibility to effectively address employee misconduct and, where determined appropriate, to provide a measured disciplinary response consistent with due process. In addition, with respect to licensed professional staff members, matters of misconduct, including guilty pleas and/or conviction of certain crimes (including intervention in lieu of conviction and/or pre-trial diversion programs) enumerated by law and/or conduct which is unbecoming to the teaching profession under certain specific circumstances, will be reported by the Superintendent (or Board President if the Superintendent or Treasurer are determined to have engaged in such misconduct) to the Ohio Department of Education.

Definitions

“Licensed professional staff” refers to Governing Board employees who hold an educator’s license or certification with the Ohio Department of Education (ODE) (including the Treasurer and Business Manager), educational assistants (aides with a permit and paraprofessionals with a license from ODE), individuals holding a one (1) year conditional teaching permit in the area of intervention specialist or seeking an alternative educator license, and those individuals who do not hold a valid educator’s license but who are employed under a Pupil Activity Program Permit.

The definition of “conduct unbecoming to the teaching profession” is set forth in the Licensure Code of Professional Conduct for Ohio Educators enacted by the Ohio State Board of Education and includes:

- A. crimes or misconduct involving minors;
- B. crimes or misconduct involving school children;
- C. crimes or misconduct involving academic fraud;
- D. crimes or misconduct involving the school community;
- E. making, or causing to be made, any false or misleading statement or concealing a material fact in obtaining the issuance or renewal of any educator licensing documents;
- F. the violation of the terms and conditions of a consent agreement with the State Board of Education;

- G. a plea of guilty to or a finding of guilt or conviction upon any offense enumerated under R.C. 3319.39, or a judicial finding for intervention in lieu of conviction and/or participation in a pre-trial diversion program relating to any of the offenses listed therein;
- H. a failure to adhere to the Licensure Code of Professional Conduct for Ohio Educators enacted by the Ohio State Board of Education.

Reporting Professional Misconduct

The Superintendent will file a report to the Ohio Department of Education, on forms provided for that purpose, on matters of misconduct on the part of licensed professional staff members, under any of the following circumstances:

- A. when the Superintendent obtains knowledge that a professional staff member has pled guilty, has been found guilty, or has been convicted, and/or subject to a judicial finding for intervention in lieu of conviction and/or participated in a pre-trial diversion program for a crime specified in R.C 3319.31 (B) (2) or 3319.39 (B) (1), including but not limited to any felony, any misdemeanor sex offense, any offense of violence, any theft offense, and any drug abuse offense that is not a minor misdemeanor;
- B. when the Governing Board has initiated termination or non-renewal proceedings against a professional staff member who is reasonably believed to have committed an act that is unbecoming to the teaching profession;
- C. when the professional staff member has resigned under threat of termination or non-renewal for any reason set forth in paragraphs A and B above;
- D. when the professional staff member has resigned during the course of an investigation of alleged misconduct which is reasonably believed to be unbecoming to the teaching profession.

Misconduct by Superintendent or Treasurer

If the employee to whom any of the above conditions apply to either the Superintendent or Treasurer, the Board President shall make the report required under this policy and in accordance with R.C. 3319.313.

Failure to File Report/Filing of False Report

The Board acknowledges that if the Superintendent (or President, where applicable) knowingly fails to file a required report of misconduct by a licensed educator or cause a false report of misconduct by a licensed employee of the Board to be filed, they will be subject to criminal penalties under law. In addition, failure to file a required report will subject the designated reporter to a potential denial, limitation, suspension or revocation of the educator license of such designated reporter.

Investigation Reports Regarding Professional Misconduct

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

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

In accordance with Policy 3138 and policy 4138, the Superintendent, Treasurer, or Board President (depending upon the position of the employee being charged) shall immediately suspend a licensed employee from all duties that require the care, custody, or control of a child during any pending criminal action for which that person has been arrested, summoned and/or indicted for any crimes listed under R.C. 3319.31 (C).

Related Policies: 1240.01, 1340, 1541, 3121, 3139, 3140, 3142, 4121, 4139, and 4140

R.C. 3319.31, 3319.311, 3319.313, 3319.317, 3319.39, 3319.392, 3319.40

A.C. 3301-73-21

Adopted: December 11, 2007

Revised: December 11, 2008

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SCHOOL CALENDAR

The Board recognizes that preparation of a calendar for the instructional program of the schools is necessary for orderly educational planning and the efficient operation of contracted service Districts [NOTE]: H.B. 59 (2013) changes the way minimum school years are calculated moving from a school calendar that provides for schools to be in session for a specified number of days, to a calendar that provides for the schools to be in session for instructional purposes with students in attendance for a total minimum number of hours. This change, however, does not apply to any collective bargaining agreements executed prior to July 1, 2014. Any collective bargaining agreement or renewal executed after July 1, 2014, has to comply with the mandated new minimum school year requirements based upon hours of instruction. Moreover, this change applies to city, exempted village, local and joint vocational school centers and chartered non-public schools]

The Board shall determine annually the total number of hours when the schools will be in session for instructional purposes with students in attendance – including scheduled classes, supervised activities and approved educational options. When recommending a school calendar to the Board for its consideration and approval, the Superintendent shall analyze and address the factors identified in meeting the requirements, and specify the total number of hours in a school year, length of each school day, and beginning and end dates for instruction. “School Day” means the time during a calendar day that a school is open for instruction pursuant to the Board-adopted schedule. Each Center’s classrooms hosted in school districts shall follow the calendar and make-up contingencies of the host districts. The classrooms in Newark may follow the Newark City Schools and C-TEC calendars for scheduled calendar year.

The Board requires that an observance be scheduled each year on or about Veterans Day to convey the meaning and significance of that day to all students and staff. The observance shall be at least one hour, or in schools that schedule class periods of less than one hour, at least one (1) standard class period. The Board will determine the specific activities that constitute the observance in each school in the Center after consultations with the school administrators. Other classes that are being hosted at another school will have those classes participate within those buildings for such programs.

While the Superintendent may close schools due to disease, epidemic, hazardous weather conditions, law enforcement emergencies, damage to a school building, utility failure, or inoperability of school buses or other equipment needed for school operations (collectively, “a Calamity”), the school nevertheless must be in session with students in attendance for at least the minimum number of hours required by Ohio law.

The Superintendent is authorized to develop and implement a plan to require students to access and complete classroom lessons posted on the District’s web portal or web-site in order to make up hours in that school year on which it is necessary to close school due to calamity. The maximum number of hours that may be made up in this manner is the number of hours that are equivalent to three (3) school days. The plan may also include distribution of “blizzard bags,” which are paper copies of the lessons posted online.

R.C. 3313.602, 3313.48, 3313.62, 3313.63, 3317.01 (B), 3313.482

Approved: November 17, 1998;

Revised: June 13, 2017

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SCHOOL/WORK DAY

The Governing Board authorizes the school/work day to be arranged and scheduled by the administration. Preschool and Multiple Disabled school days shall be coordinated with participating School District schedules for transportation. Such schedules are to offer the maximum education for the time spent within the limitations of school facilities and the laws and regulations of the State. Unless otherwise noted on the salary schedule, individual contract, or as defined in policies # 3250 and 4250, full-time salaried staff shall be scheduled for forty (40) hour workweeks.

Other Educational Service Center personnel schedules will be created to maximize the service time each staff member is available for their contracted districts, generally from 8 A.M. to 4 P.M.

The Superintendent may close the schools, delay the opening of school, or dismiss school early when such alteration in the regular session is required for the protection of the health and safety of students and staff members. Work days scheduled without students in attendance, where other schools have closed, will still be in session unless all LCESC offices are closed. S/He shall prepare administrative guidelines for the proper and timely notification of concerned persons in the event of any emergency closing of the schools.

The Superintendent shall have the authority to determine which school related activities may be conducted if the schools are closed for a period of time. S/He shall prepare appropriate guidelines for communication to students, parents, and others regarding the scheduling and the conduct of such activities.

R.C. 3313.48, 3317.01, 3319.086, 3319.088

Cross Ref: 4250 Working Periods
 4251 Classified Compensatory Time
 8220 School/Work Day

Adopted: November 17, 1998

Revised: March 17, 2014

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PUBLIC RECORDS

The Governing Board of Education is responsible for maintaining the public records of this Educational Service Center and to make such records available to residents of Ohio for inspection and reproduction according to related statutes and laws of Ohio.

The Governing Board will utilize the following procedures regarding availability of public records. "Public records" are defined as any document, device, or item, regardless of physical form or characteristic, including an electronic record created or received by or coming under the jurisdiction of the Board or its employees, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the Educational Service Center. "Electronic record" is defined as a record created, generated, sent, communicated, received, or stored by electronic means. "Public records" do not include medical records, documents containing genetic information, trial preparation records, confidential law enforcement investigatory records, records the release of which is prohibited by State and Federal law and any other exceptions set forth in R.C. 149.43. Confidential law enforcement investigatory records, medical records, and trial preparation records are as defined in Ohio Revised Code 149.43. No public records, including, but not limited to personnel files or staff directories or student records shall include the actual/confidential addresses of students, parents, or employees who are participating in the Safe at Home/Address Confidentiality Program administered by the Secretary of State. Such public records and student records shall only contain the address designated by the Secretary of State to serve as the students, parents or employee's address.

The Center's public records shall be organized and maintained so that they are readily available for inspection and copying. As such, public records will be available for inspection during regular business hours, with the exception of published holidays. The Center's public records shall be promptly prepared and made available for inspection. A reasonable period of time may be necessary due to the volume of records requested, the proximity of the location where the records are stored, and/or for the Center to review and redact non-public/confidential information contained in the record. Upon request, a person may receive copies of public records, at cost, within a reasonable period of time.

Each request for public records shall be evaluated for a response at the time it is made. Although no specific language is required to make a request, the requestor must minimally identify the record(s) requested with sufficient clarity to allow the Center to identify, retrieve, and review the record(s). The Center will present Public Records Request Form (Form 1 - 8310) to the individual making the request in order to help identify, locate and deliver the public record that the individual is seeking. The person will be informed that s/he is not required to complete the form and that it is not mandatory to place such request in writing. The requestor shall not be required to provide his/her identity or the intended use of the requested public records.

At the time of the request, the records custodian shall inform the person making the request of the estimated length of time required to gather the records. All requests for public records shall be acknowledged by the Center promptly following the receipt of the request. If the request for records was in writing, the acknowledgement by the Center shall also be in writing.

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Those seeking public records will be charged only the actual cost of making the copies.

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the Center. E-mail shall be treated in the same fashion as records in other formats and shall follow the same retention schedule. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, the requester must be notified of the redaction and/or the redaction must be plainly visible, and each redaction must be accompanied by a supporting explanation, including legal authority. If the requests for records were in writing, the explanation shall also be in writing.

The records custodian shall treat e-mail from private accounts that are used to conduct public business, thus subject to disclosure, as records of the Center. These records shall be filed appropriately, retained in accordance with the established schedules, and made available for inspection and copying in accordance with Public Records Act.

No public record may be removed from the office in which it is maintained except by an employee in the course of the performance of his/her duties.

Nothing in this policy shall be construed as preventing a Board member, in the performance of his/her official duties, from inspecting any record of the Center, except student records and certain portions of personnel records.

A School Records Commission shall be established consisting of the Board President, Treasurer, and the Superintendent of Schools in accordance with law to judge the advisability of destroying Center records. The Commission shall meet at least once every twelve (12) months.

The Superintendent shall provide for the inspection, reproduction, and release of public records in accordance with this policy and with the Public Records Law. The Superintendent shall require the posting and distribution of this policy in accordance with statute.

R.C. 9.01, 102.03(B), 111.41, 111.42, 111.43, 111.46, 111.47, 111.99, 149.011, 149.41, 149.43, 1306.1, 1347 et seq., 3313.26

R.C. 3319.32, 3319.321;

20 U.S.C., 1232 g, 29 C.F.R. Part 1635

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

Adopted: November 17, 1998

Revised: June 13, 2017

FORM

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

PROFESSIONAL STAFF

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PUBLIC RECORDS REQUEST FORM

NOTE: A WRITTEN REQUEST TO INSPECT PUBLIC RECORDS IS NOT MANDATORY AND YOU MAY DECLINE TO REVEAL YOUR IDENTITY OR THE INTENDED USE OF THE INFORMATION. HOWEVER, COMPLETION OF THIS FORM MAY ENHANCE THE ABILITY OF THIS OFFICE TO IDENTIFY, LOCATE AND DELIVER THE PUBLIC RECORDS YOU SEEK.

Please complete this portion of the form to make a request to inspect public records maintained by this educational service center.

Name: _____

Address: _____

Telephone Number: _____

Please identify, as specifically as possible, the records you would like to inspect: _____

Please state the intended use of the requested information: _____

If you are requesting copies of public records, please state the medium on which you would like the records duplicated (i.e., paper copies, CD, etc.) _____

FOR OFFICE USE ONLY

- This public records request is approved and any requested copies were provided.
- This public records request is denied as ambiguous, overly broad, or the requester has difficulty in making the request such that this office cannot reasonably identify what public records are being requested, **AND** the requester has been given the opportunity to revise the request by being informed of the manner in which records are maintained by this office and accessed in the ordinary course of the office or staff personnel's duties.
- The public records request is denied in whole or in part. For any portion of the request that is denied, provide a written explanation for the denial (including legal authority) and return a copy of this form to the requester with this explanation: _____

Copy costs assessed: \$ _____ Copy costs paid: \$ _____

Signed: _____
Records Officer

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PUBLIC RECORDS

The public records of this Office of the Superintendent as defined under the Freedom of Information Law are available for public inspection and/or copying in accordance with the following administrative guidelines. Exemptions are specified in R.C. 149.43 (A) (1).

Designation of Officers

The Superintendent's Secretary shall be the District Records Officer (DRO).

Procedures

The following procedures shall be followed in connection with requests to inspect and secure copies of School District records:

- A. Requests to inspect or secure copies of records shall be submitted to the District Records Officer on a form prescribed by the Board, copies of which are available in the Office of the Superintendent.
- B. The District Records Officer will determine and advise the requester whether the records specified in the request are available for inspection and copying.
- C. With respect to records which are determined to be available, the District Records Officer will direct the requester to the place where the requested records may be inspected and will arrange for the preparation and certification of copies upon tender of any required fee. The District Records Officer will establish a time and date for inspection and copying the requested records.
- D. With respect to records, which are determined not to be available, the District Records Officer will note the reason for unavailability on the request form and return one copy of the form to the requester.
- E. Records may be inspected only at the Office of the Superintendent or at such other place as may be designated. No record may be removed from such location. A member of the staff must be present throughout the inspection and copying of such record.
- F. Requests to inspect records should be made in person and with Form 8310 F1 completed. Telephone and written requests are discouraged.
- G. The District is responsible for providing records of the District but not for providing additional information that may be related to a record but is not part of a record. Nor is the District required to create a record if none is available.
- H. Personnel records are to be considered public records of the District other than those marked and kept confidential. (See AG 8320.)

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Location and Time

Records shall be made available at the Superintendent's Office, during the hours of 8:00 a.m. to 4:30 p.m. Monday through Friday, with the exception of the holidays when District schools are closed.

Fees

Records may be inspected only under supervision. Upon written request, copies of said records may be made for a fee of \$0.10 per sheet.

RETENTION OF RECORDS

	DESCRIPTIONS	RETENTION
A.	Abstract	7 years
B.	Accident Reports	2 years after end of Fiscal Year
C.	Accounts Payable Ledgers	10 years
D.	Accounts Receivable Ledgers	10 years
E.	Administrative Policy and Files	Permanent
F.	Annual Employee Absence Summary	4 years provided audited*
G.	Applications for Employment	2 Years after end of fiscal year
H.	Appropriation Ledgers	10 years
I.	Audit reports issued by State #59, #659 & #4502	5 years
J.	Bank Deposit receipts	4 years provided audited
K.	Bids	4 years provided audited
L.	Board minutes	Permanent**
M.	Board Policy Files	Permanent**
N.	Board of Education Agendas	1 Fiscal year
O.	Book Inventories	Until superseded
P.	Annual Budgets	25 years
Q.	Cancelled checks	4 years provided audited RC 1304.29
R.	Class Registers	Permanent**

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T.	Delivery and Packing Slips	1 year provided audited
U.	Elections	10 years
V.	Employee Files	Permanent**
W.	Employee Insurance bills	4 years provided audited
X.	Field Trip forms	2 years provided audited
Y.	Volunteer driver forms	2 years provided audited
Z.	Financial Reports to ODE	25 years
AA.	Financial Reports to Auditor of State	5 years
BB.	Foundation distributions	25 years
CC.	Grade sheets/Books	3 years after end of fiscal year
DD.	Income tax returns	6 years and current provided audited
EE.	Insurance policies	15 years aft expiration/ claims settled
FF.	Inventories	Until superseded
GG.	Invoices	10 years provided audited RC3313.29
HH.	Leave requests	4 years provided audited
II.	Payroll & absence reports	4 years provided audited
JJ.	Requisitions	1 year after end of fiscal year
KK.	SERS/STRS Reports	4 years provided audited
LL.	Student records	Permanent**
MM.	Time Sheets and time cards	6 years provided audited
NN.	Transportation records	4 years provided audited
OO.	Travel expense vouchers	10 years provided audited
PP.	W-2 forms	6 years and current provided audited
QQ.	W-4	Until superseded
RR.	Worker Compensation files	5 years after final payment made
SS.	ODE Reports	5 years
TT.	Civil Rights reports	Permanent

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UU.	Title IX Reports	5 years
VV.	School Calendars	5 years
WW.	Personnel Directory	10 years
XX.	Special Education reports	7 years
YY.	OH Common Core Data (OCCD) reports	5 years
ZZ.	Annuity reports	4 years
AAA.	Voluntary deduction reports	4 years
BBB.	Bureau of Employment Quarterly reports	7 years
CCC.	Federal, Ohio, City & School Income Tax	6 years
DDD.	Student Activity Funds	4 years
EEE.	Service Contracts	4 years
FFF.	Requisitions	1 year
GGG.	Unemployment claims	5 years
HHH.	Publication notice	4 years
III.	Investment records	4 years
JJJ.	Foundation Distribution	5 years
KKK.	Food Service Records/lunchroom counts	4 years
LLL.	Individual Education Plan IEP	Permanent
MMM.	Psychological Records	Permanent
NNN.	Driver Physicals	2 years
OOO.	Field Trip Forms	3 years
PPP.	Bus Driver certifications	1 year after termination
QQQ.	Rental Information	4 years
RRR.	Preschool Screening Profiles	3 years
SSS.	Tornado and fire drills	1 year
TTT.	Building Health Inspections	2 years
UUU.	Student Handbooks	Until superseded

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VVV. Employee contracts	4 years after termination
WWW. Substitute records	25 years
XXX. I-9 Immigrations forms	1 year after termination
YYY. Job Description	Retain until superseded or obsolete
ZZZ. Adopted courses of studies	Until superseded
AAAA. Court Decisions, Claims and Litigation	Permanent
BBBB. Bank Depository Agreements	4 years after completion

"Provided audited" means the record series has been audited by the Auditor of State or independent auditor and the audit report released.

Revised 1-10-12

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PERSONNEL FILES

It is necessary for the orderly operation of the Educational Service Center to prepare a personal information system for the retention of appropriate papers bearing upon an employee's duties and responsibilities to the Center and the Center's responsibilities to the employee.

The Governing Board requires that sufficient records exist to ensure accuracy on an employee's qualifications for the job held, compliance with Federal, State, and local benefit programs, conformance with Center rules, and evidence of completed evaluations. Such records will be kept in compliance with the laws of the State of Ohio.

The Board delegates the maintenance of an employee personal information system to the Superintendent, under the following guidelines:

- A. A personnel folder for each employee will be accurately maintained in the ESC Central Office for all Centers' employees. A personnel file will be maintained for all certificated/licensed employees in Local School Districts by the Superintendent's Secretary.
- B. A single central file shall be maintained and subsidiary records shall be maintained for ease in data gathering only.
- C. Only that information which pertains to the professional role of the employee and submitted by duly authorized school administrative personnel and the Governing Board may be entered in the official record file. The employee shall be informed whether requested information is legally required or whether s/he may decline to supply the information.
- D. All personnel records of individual employees of the board will be considered confidential; however, the law requires that all public records be promptly prepared and made available for inspection to any member of the general public provided that advance notice of such request has been given to the custodian of the records, not less than two (2) days before the inspection. The Superintendent is authorized to grant or refuse access to the records of this ESC in accordance with the intent of this policy.
- E. A resident may purchase copies of the ESC's personnel records upon payment of an established fee per copy. No public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of performance of his/her duties.
- F. Personnel records shall not be available to Board members and school administrators except as may be required in the performance of their jobs.

The public may have access to all personnel records in the personnel file with the following exceptions: medical records, records pertaining to adoption, probation, or parole proceedings, trial preparation records, confidential law enforcement investigatory records and records of which the release is prohibited by State or Federal law.

Personnel files shall be reviewed periodically and material no longer required shall be destroyed.

Personnel wishing to review their own records:

- A. have the right, upon written request, to review the contents of his/her own personnel file. Exceptions to this shall include medical, psychiatric, or psychological information determined by a physician, psychologist, or psychiatrist to be likely to have an adverse effect on the employee - requests are to be made to the Superintendent and scheduled for a time convenient for both parties involved;
- B. review the record in the presence of the administrator designated to maintain said records or designee;
- C. have a copy of each entry given to the employee upon request except for matters pertaining to pending litigation. A copying cost will be charged for each copy given to the employee at his/her request at the rate determined by the Superintendent;
- D. (when reviewing personnel documents) make no alterations or additions to the record nor remove any material therefrom;
- E. when a member of the general public requests the right to inspect the personnel file of an employee, the employee be so informed and afforded the opportunity to be present during the inspection;
- F. sign a log attached to the file indicating date and person reviewing; and
- G. review of personnel record information be done only in the confines of the superintendent's office or the board's office.

Personnel wishing to make objections to any information contained in the file or appeal material in their record as to its accuracy, completeness, relevance or timeliness shall make a request in writing to the Superintendent and specify therein: name and date, material to be objected to or appealed, reason for objection or appeal and signature of staff member.

The Superintendent shall hear the appeal and make a determination within ninety (90) days of the appeal in accordance with law.

Personnel records are predominantly public records and to that extent must be made available for inspection and copying in accordance with State and Federal laws pertaining to same. In accordance with the Federal Privacy Act and case law, the Board shall prohibit from disclosing an employee's social security number when releasing personnel records. Further, if an employee presents information to the Center certifying that s/he is a participant in the Safe at Home Address Confidentiality Program administered by the Secretary of State, the Board shall refrain from including the employee's actual/confidential residential address in any personnel records, personnel

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files, or staff directories (including electronic records and files) or disclosing the employee's actual/confidential residential address when releasing personnel records. The Board shall only list the address designated by the Secretary of State to serve as the employee's address in any personnel records, personnel files, or staff directories. Further, the Board shall use the person's designated address for any and all communications and correspondence between the Board and the employee. The employee's actual/confidential address shall be maintained in a separate confidential file that is not accessible to the public or any employees without legitimate purpose. Additionally, if applicable, the employee's school, institution of higher education, business, or other place of employment (as specified on an application to be a program participant or a notice of change of address) shall be maintained in a confidential manner. The intentional disclosure of an employee's actual/confidential residential address is prohibited. Any violations could result in disciplinary action or criminal prosecution.

Personnel records shall be monitored regularly to assure compliance with the policy and the law. Records deemed no longer accurate, relevant or necessary under this policy may be submitted to the Center's Record Commission for disposal in accordance with law.

R.C. 149.41, 149.43, 1347 et seq.; Federal Privacy Act, 5 U.S.C. Section 552a note; State ex rel. Beacon Journal Publishing Co v. City of Akron (1994), OAC 3301-35-03 (A) (10)

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8320 - PERSONNEL RECORDS

Certain information concerning District employees is confidential, to be reviewed on a need-to-know basis and only under conditions which guarantee protection of both management's right to access information and the employee's right to unnecessary invasion of privacy. Most information in the personnel files, however, is not confidential and is available for inspection in accordance with State law.

Initial Employment

Upon employment, each employee is to submit these documents for the following files:

A. Personnel File

1. a completed employment application form
2. a copy of certification, if applicable
3. transcripts, if applicable
4. completed "right to know" forms

B. Payroll File

1. W-4 forms
2. retirement registration
3. completed forms for life and disability insurance without medical examination portion
4. completed annuity forms
5. payroll deduction authorization
6. accumulated sick leave, if applicable
7. I-9 forms

C. Confidential File

1. applications for health insurance
2. record of a recent physical examination, four (4) applicable
3. history of any medical treatment
4. criminal history records
5. disciplinary records, if applicable

Professional staff members shall also be responsible upon employment, for providing a complete transcript of their education and records of all prior teaching experience.

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During the period of employment the following data shall be maintained in personnel files:

1. current correct name, address, and telephone number
2. current data on education completed, including transcripts of all academic work
3. an accurate record of work experience
4. proof of fulfillment of requirements for change in salary classification
5. record of assignments
6. proof of discharge from military service, four (4) applicable
7. rate of compensation
8. completed evaluations
9. special awards or distinctions
10. letters and other correspondence received concerning a staff member, providing the correspondence is relevant to his/her employment

All information concerning employees' health status, including mental or physical examinations and treatments are to be kept in a confidential file. Access is limited to the employee, the employee's supervisor, the Superintendent and other central office administrators who have a supervisory relationship to the employee, and others authorized by law.

Employees who wish to review their own personnel file shall review the record in the presence of the administrator designated to maintain said records or designee; make no alterations or additions to the record nor remove any materials therefrom and sign and date a log attached to the file.

Employees who wish copies of material in their personnel file shall receive such copies free of charge.

Employees wishing to appeal material in their record shall make a request in writing to the Superintendent and specify therein: name and date, materials to be appealed, and reason for appeal.

The Superintendent shall hear the appeal and make a determination within ninety (90) days of the appeal in accordance with law.

The Superintendent shall maintain a written record of any persons other than the employee who have had access to each employee's file.

Although most information in personnel files is a matter of public record, only verification of employment should be provided by telephone request. Any other information about an employee should be requested in writing or in person and addressed to the District Records Officer (DRO).

Approved: 10-22-04

Revised: March 8, 2011

PERSONAL INFORMATION SYSTEMS

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

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

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

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

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

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

R.C. 1347.05

Adopted: February 17, 2010

Revised:

RECEIVING LEGAL DOCUMENTS

Service of Process on the Governing Board

In suits against the Board, only the Board president, Superintendent, or Treasurer accepts service on behalf of the Board.

Service of Legal Documents on Board Employees

Board employees may be served with legal documents (1) requesting not only public records (such as employees' personnel files), but also student education records, other documents, and electronically stored information maintained by the Educational Service center, or (2) directing them to testify at a deposition or hearing concerning issues that fall within the employees' employment responsibilities.

An employee served with legal documents in his/her official capacity as a Board employee shall immediately provide copies of those legal documents to his/her Principal or site administrator. The Principal in turn shall immediately furnish copies to the Superintendent.

Generally, confidential personnel records, student records, or personal observations or opinions about student behavior/academic performance do not have to be disclosed. The law makes an exception for a subpoena or court order.

Board policy requires the Principal to release only the documents specifically identified in the subpoena or order. In circumstances where, in responding to a subpoena or order, information is developed or summarized from the student's education records, a copy of that information and a statement of the purpose for which it was prepared shall be filed in the student's cumulative folder.

If doing so is in the Board's best interest, the Principal or site administrator or Board attorney shall accompany the employee to the deposition or hearing.

Actions Against the Board

In actions against the Board, it is not unusual for Board employees to be served with subpoenas and/or called as witnesses. Board legal counsel and the Superintendent will assist Board employees in these matters.

Independent Legal Counsel

This policy does not prohibit Board employees from consulting with their own independent legal counsel, but they are prohibited from discussing or releasing student personally identifiable information to a third party except as expressly authorized by Board Policy (Policy 8330).

STUDENT RECORDS

In order to provide appropriate educational services and programming, the Board of Education must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard students' privacy and restrict access to students' personally identifiable information.

Student "personally identifiable information" includes, but is not limited to, the following: the student's name, the name of the student's parent or other family members, the address of the student or student's family, a personal identifier such as the student's social security number, student number, or biometric record, other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name, other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

The LCESC had maintained a file of basic student information (White Cards) for local districts up to the year 2000. Those student files are only as complete as the information cards reported from Local Schools and returned to the County Office up to the 1999-2000 school year. The Local Boards of Education are responsible for maintaining records of all students attending their resident Districts. After 2000 such basic student records have been retained through electronic storage with ITC sites. In the summer of 2013 those former "White Card" records were transferred to the district best identified for that student's attendance, even back before the consolidation of the Licking County Districts in the late 1950's.

The LCESC Board is responsible for the records of all students who have attended Center programs. Board employees will compile only records mandated by the State or Federal government, such information being relevant to the function of the Center or specifically permitted by the Board. In all cases, permitted, narrative information in student records shall be objectively based on the personal observation or knowledge of the originator.

Student records shall be available *only to students and their parents, adult students, and designated school officials and personnel*, not including Board members, *who have a legitimate educational interest in the information or as otherwise permitted by law*. In situations in which a student has both a custodial and a noncustodial parent, both shall have access to the student's health and educational records unless agreed to otherwise in writing by both parents or specifically stated by court order as received by the District. Both parents shall have equal access to student records unless stipulated otherwise by court order or law. In the case of adult students eighteen (18) and older, parents will be allowed access to the records without the student's consent, providing the student is considered a dependent under section 152 of the Internal Revenue Code.

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A school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); and a person serving on the Board. The Board further designates the following individuals and entities as “school officials” for the purpose of FERPA:

- A. a person or company with whom the Board has contracted to perform a special task (such as attorney, auditor, or medical consultant);
- B. a contractor, consultant, volunteer or other party to whom the Board has outsourced a service otherwise performed by Board employees (e.g., a therapist; authorized information technology (IT) staff; and approved on-line educational service providers).

The above-identified outside parties must (a) perform institutional services or functions for which the Board would otherwise use its employees, (b) be under direct control of the Board with respect to the use and maintenance of education records, and (c) be subject to the requirements of 34C.F.R. 99.33(a) governing the use and re-disclosure of PII from education records.

Finally, a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers) is also considered a “school official” for purposes of FERPA provided s/he meets the above referenced criteria applicable to other outside parties.

"Legitimate educational interest" shall be defined as a "direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the Center." The Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that school officials obtain access to only those records in which they have legitimate educational interest.

The Governing Board authorizes the administration to do the following:

- A. forward education records, including disciplinary records with respect to suspensions and expulsions, upon request to a private or public school or school center in which a student of this Center is enrolled, seeks or intends to enroll, or is instructed to enroll, on a full-time basis, upon condition that:
 - 1. a reasonable attempt is made to notify the student’s parent or eligible student of the transfer (unless the disclosure is initiated by the parent or eligible student; or the Board’s annual notification includes a notice that the Board will forward education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student’s enrollment or transfer);
 - 2. the parent or eligible student, upon request, receives a copy of the record; and
 - 3. the parent or eligible student, upon request, has an opportunity for a hearing to challenge the content of the record.

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- B. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a juvenile detention facility in which the student has been placed, or a juvenile court that has taken jurisdiction of the student;
- C. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a public school or school district in which a student in foster care is enrolled. Such records shall be transferred within one (1) school day of the enrolling school's request;
- D. provide "personally identifiable" information to appropriate parties including parents of an eligible student, whose knowledge of the information is necessary to protect the health and safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;
- E. report a crime committed by a child with a disability to appropriate authorities and transmit copies of the student's special education and disciplinary records to the authorities for their consideration;
- F. require each person or party requesting access to a student's record to abide by the Federal regulations and State laws concerning the disclosure of information to a third party;
- G. release de-identified records and information in accordance with Federal regulations; and
- H. disclose personally identifiable information from education records, without consent, to organizations conducting studies "for, or on behalf of" the District for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction. Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than representatives of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to release information under this provision, the District will enter into a written agreement with the recipient organization that specifies the purpose of the study.

While the disclosure of personally identifiable information (other than social security numbers, religion, political party affiliation, voting record, or biometric information) is allowed under this exception, it is recommended that whenever possible the administration either release de-identified information or remove the students' names and social security identification numbers to reduce the risk of unauthorized disclosure of personally identifiable information.

- I. request each person or party requesting access to a student's record to abide by federal regulations and State laws concerning the disclosure of information.

The Board will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, or otherwise restricted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive explanation and interpretation of the records.

The Board shall maintain a record of those persons to whom information about a student has been disclosed. Such disclosure records will indicate the student, person viewing the record, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (if required).

Only "directory information" regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent; or, if the student is eighteen (18) years of age or older, the written consent of the student, except those persons or parties stipulated by the District's policy and administrative guidelines and/or those in the law.

DIRECTORY INFORMATION

Each year the Superintendent is to provide public notice to students and their parents of the Center's intent to make available, upon request, certain information known as "directory information." The Governing Board designates as student "directory information": a student's name; address; date and place of birth; photograph; major field of study; participation in officially recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; date of graduation; awards received; or any other information which would not generally be considered harmful or an invasion of privacy, if disclosed.

Directory information shall not be provided to any organization for profit-making purposes. (R.C. does not identify student email addresses as directory information).

School assigned email accounts shall not be released as directory information beyond this/these limited purpose(s) and to any person or entity but the specific online educational service provider and internal users of the District's Education Technology.

Parents and adult students may refuse to allow the District to disclose any or all of such "directory information" upon written notification to the District within ten (10) days after receipt of the District's public notice. Whenever parental consent is required for the inspection and/or release of a student's health or education records or for the release of directory information, either parent may provide such consent unless agreed to otherwise in writing by both parents or specifically stated by court order. If the student is under the guardianship of an institution, the Superintendent shall appoint a person who has no conflicting interest to provide such written consent.

The District may disclose "directory information" on former students without student or parental consent, unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent.

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The Superintendent shall notify parents of any collection of information during the school year through a collection instrument. If a survey is to be distributed, the Superintendent shall notify the parent(s) of such intended survey and their right to inspect a copy of the questionnaire to be distributed and its purpose prior to such survey being implemented.

The Superintendent is directed to prepare administrative guidelines to ensure that students and parents are adequately informed each year regarding their rights to:

- A. inspect and review the student's education records;
- B. request amendments if the record is inaccurate, misleading, or otherwise in violation of the student's rights;
- C. consent to disclosures of personally identifiable information contained in the student's education records, except to those unauthorized disclosures allowed by the law;
- D. challenge Board noncompliance with a parent's request to amend the records through a hearing;
- E. file a complaint with the United States Department of Education; and
- F. obtain a copy of the Board's policy and administrative guidelines on student records.

The Center has procedural guidelines for the proper storage and retention of records including a list of the type and location of record and informing Board employees of the Federal and State laws concerning student records.

The Board authorizes the use of the microfilm process, electromagnetic and/or digital processes of reproduction for the recording, filing, maintaining, and preserving of records. No liability shall attach to any member, officer, or employee of this specific Board as a consequence of permitting access or furnishing student records in accordance with this policy and regulations.

SAFE AT HOME / Address Confidentiality Program

If an parent (or adult student) presents information to the Center certifying that s/he is a participant in the Safe at Home /Address Confidentiality Program administered by the Secretary of State, the Board shall refrain from including the parent's/student's actual/confidential residential address in any student records, student files, or student directories (including electronic records and files) or disclosing the parent or student's actual/confidential residential address when releasing student records. Since student records are available to non-custodial parents, designated school officials who have a legitimate educational interest in the information, and other individuals or organizations as permitted by law (including the public in some situations), the Board shall only list the address designated by the Secretary of State to serve as the student's address in any student records, student files, or student directories. Further, the Board shall use the student's designated address for any and all communications and correspondence between the Board and the parent (or adult student). The student's actual/confidential address shall be maintained in a separate confidential file that is not accessible to the public or any employees without legitimate purpose.

Although the student's actual/confidential address will not be available for release as directory information, the parent (or adult student) may also request that the student's name and telephone number be withheld from any release of directory information. Additionally, if applicable, the student's school, institution of higher education, business, or other place of employment (as specified on an application to be a program participant or a notice of change of address) shall be maintained in a confidential manner.

If a non-custodial parent presents a subpoena or court order stating that s/he should be provided with copies or access to a student's records, the Center will redact the student's confidential address and telephone number from the student's records before complying with the order or subpoena. The Center will also notify the custodial/residential parent of the release of student records in accordance with the order or subpoena.

The intentional disclosure of a student's actual/confidential residential address is prohibited. Any violations could result in disciplinary action or criminal prosecution.

Cross Ref: 8350 Confidentiality

R.C. 9.01, 111.41, 111.42, 111.43, 111.46, 111.47, 111.99, 149.41, 149.43, 1347 et seq., 3319.33, 3319.321;
34 C.F.R. Part 99;
20 U.S.C., Section 1232 f through 1232 i (FERPA);
26 U.S.C. 152;
20 U.S.C., 1400 et seq., Individuals with Disabilities Education Improvement Act;
20 U.S.C. 7165(b);
20 USC 7908

Adopted: January 1, 1980
Revised: June 13, 2017

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PUBLIC RECORDS

Student records shall be maintained in accordance with Board of Education Policy 8330 and State/Federal laws and regulations.

The student record is the legal record for each student who is or has attended schools within the District. All information contained in the student record must be factual, verifiable and of a constructive nature. The Board shall collect, maintain and use only information necessary for legally mandated District functions.

The students' school record shall contain the following information that shall be retained permanently or for one hundred years:

- A. name, address, and telephone listing of parent (see Form 8330 F1)
- B. enrollment data to include validated birth record, proof of residency, immunization records and social security number or computer number
- C. attendance records
- D. grades and/or transcripts
- E. standardized and/or mandated achievement test data, including proficiency/diagnostic assessment/achievement test records which include the date each student meets the proficient level for the test administered
- F. date of graduation and/or transfer or withdrawal.

The student's school record shall contain, if applicable to the individual, the following information, to be retained for a period not less than two (2) years beyond the age when school enrollment may occur:

- A. health and medical information (emergency medical authorization forms may be destroyed upon the annual receipt of the forms as required by law)
- B. court order on parental rights and responsibilities and/or custodial or guardianship arrangements, including any court orders regulating access of a parent to school records
- C. awards and recognitions
- D. information and/or data relevant to the identification, evaluation and/or placement of students in accordance with the Individuals with Disabilities Education Act, Section 504 of the 1973 Rehabilitation Act, or other applicable State laws and regulations
- E. reports and such other confidential information generated by professionals or agencies outside the District relevant to the student's educational program
- F. such other verifiable, factual and relevant information to be used in making decisions regarding the student's educational program, including disciplinary records

RESPONSIBILITY The Custodian of Records (COR) shall be the building principal who may delegate certain responsibilities to the school secretary. The COR is responsible for maintaining the confidentiality of directory information, if the parents have so requested, and other information in the educational

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record. The COR is responsible for the implementation of this Board's policies and procedures regarding confidentiality, including informing all personnel in this District who collect, maintain, use or otherwise have access to student records of this Board's policies and procedures on confidentiality.

The District's Records Officer (DRO) shall prepare an annual notice to parents/eligible students, which shall inform them of their rights to (see Form 8330 F9):

- A. inspect and review the student's educational records;
- B. request an amendment to the records if the parent or eligible student believe the information to be inaccurate or misleading or in violation of the privacy rights of the individual;
- C. limit the disclosure of personally identifiable information defined as directory information within Policy **8330** or to such other disclosures not required by law;
- D. request a hearing if the Board refuses to amend records believed by the parent to be misleading or inaccurate and to file a complaint with the Department of Education if the parent is dissatisfied with the results of the hearing; and
- E. obtain a copy of the Board's policy on student records.

The notice may be in the form of a section of the District's newsletter and/or the student handbooks (see Form 8330 F9).

Ongoing Maintenance of Records

- A. **Public Listing of Authorized Employees** (see Form 8330 F2)
 1. Each COR shall maintain a current listing of those employees and other persons, approved by the DRO, authorized to access personally-identifiable information housed at the location specified.
 2. Each COR shall post and maintain the listing for public inspection at his/her respective location.
- B. **Types and Location of Records**
 1. The DRO shall prepare a listing of the types and locations of records collected, maintained, or used by the District, and the name of the COR at each location.
The list shall be provided to parents/eligible students upon request.
 2. The student record shall be stored in secured facilities or equipment. The records shall be available only to those specified in policy or these guidelines.

Parents: Disclosure, Inspection, Review of Records The COR shall permit parents/eligible students, upon request, to retrieve information from and to inspect and review, records relating to the student's education and maintained by the District. The following conditions shall apply:

- A. At times, agencies or individuals outside the District provide the District with information necessary and relevant to the student's education. Confidential information that is in a student's record from an outside professional or agency may be released to or accessed by the parent through the originator. Such information may be provided to the district only with written consent of the parent.

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- B. If any educational record includes information on more than one (1) student, the parents/eligible students shall have the right to review and inspect only the records relating to the student, or to be informed of that specific information.

RETENTION OF RECORDS

DESCRIPTION	RETENTION
Age and Schooling Certificate	until Age of Majority
Aptitude Tests	Permanent*
Attendance Registers	Fiscal Year plus 2 years
Child Abuse	1 year after*
Cosmetology Records	5 years, provided *
Cosmetology Waivers	4 years
Discipline	1 year after leaving school*
Emergency Cards	1 year
Enrollment Records	Permanent *
Federal Survey Pupil Data Sheets	5 years (Title I of PL81-874 –provided audit)
Field Trip forms and Volunteers	Fiscal year plus 2
Foreign Exchange Records	10 years*
Handbooks	Until superseded
Individual Education Plan (I.E.P.)	2 years after leaving school*
Permission Slips	1 year
Preschool screening profile	9 th grade
School Calendar	5 years
School Census Cards	4 years
Special Ed Tutoring reports	10 years
Special Permits	2 years
Student Records	5 years, provided *
Student sign-out forms	fiscal year plus 2
Suspension/expulsion notices	fiscal year plus 2*
Withdrawn student	Permanent*

* A hard copy must be retained for 5 years after graduation; microfilm, retain film permanently.

LETTERS OF REFERENCE

It is the policy of the Governing Board that when the Education Service Center's administrator(s) receives a current or former employee's request for a letter of reference that it should be considered as an opportunity to share information about the staff member's performance with a prospective employer or other interested party. A current or former employee shall have no expectation that a letter of reference will be written upon request. The decision to comply with such a request shall be solely at the discretion of the administrator.

If an administrator opts, however, to prepare a reference letter, the Board expects that the administrator provide specific and truthful comments concerning the employee or former employee's actual performance that can be substantiated by the administrator's personal knowledge and/or the individual's personnel file.

In accordance with law, an administrator who, in the scope of his/her employment, provides a letter of reference may be entitled to a qualified privilege for statements included in that reference letter, provided such statements were made in good faith, without malice, and in accordance with this policy.

Cross Reference Policies: 8320 Personnel Files, 8350 Confidentiality
O.R.C 3319.33; 3319.321

Adopted: November 8, 2005
Revised:

CONFIDENTIALITY

It is the policy of the Governing Board that when the Education Service Center (ESC) receives in trust from public agency information identified as confidential (whether such information is confidential by Ohio Law, Common Law Privilege, Case Law, or Federal Law), the ESC will maintain the confidentiality of said information to prohibit its unauthorized disclosure.

This policy applies to identify confidential information received from a public agency.

This policy also applies to information shared from or about students to teachers, administrators and counselors. Such personal information is gained with a confidential expectation by the student or employee. There may be information that is required to report to other agencies if the shared information hints of personal safety of the individual or others. Otherwise, the expectation remains that student and employee information is not to be shared casually with other than school employees who have a responsibility directly with these students.

Although the policy is based upon equal dignity and held "in trust" legal theories, the District may be required to obtain court protection by:

- A. denying requests for release of such information absent subpoena or court order;
- B. pursuing motions to quash or protective orders to prohibit unauthorized disclosure.

O.R.C 3319.33; 3319.321

Adopted: November 17, 1998

Revised: November 11, 2014

ANIMALS ON EDUCATIONAL SERVICE CENTER PROPERTY

Introduction

The Governing Board recognizes that there are many occasions when animals are present on Educational Service Center property and many reasons for those animals' presence. Animals are commonly utilized by teachers during classroom presentations and often housed in classrooms and other locations on campus. Additionally, employees, students, parents, vendors, and other members of the public may be accompanied at school by a service animal in accordance with Federal and State law and this policy.

This policy applies to all animals on Center property, including service animals.

Definitions

- A. "**Animal**": includes any living creature that is not a human being.
- B. "**Service Animal**"; pursuant to 28 C.F.R. Section 35.104, "means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition."

The Americans with Disabilities Act (ADA) also defines a miniature horse as an animal that can serve as a service animal, so long as the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. To better determine whether the Board must allow for the use of a miniature horse or make modifications to buildings, the Board should refer to Section 35.136 (c) through (i) of the ADA.

(NOTE: The following section should be included in the policy only if the Center intends to require this of any animal brought onto Center property for official purposes or on a regular/recurring basis.)

Vaccination, Licensing and/or Veterinary Requirements

Animals housed on or brought onto Center property for any school purpose, such as to conduct random searches for illegal substances or to support classroom activities, or brought onto the Center's property on a regular basis for any purpose, including service animals, must meet every veterinary requirement set forth in State law and County regulation/ordinance, including but not limited to rabies vaccination or other inoculations required to be properly licensed.

Non-Service Animals in Schools and Elsewhere on Center Property

Animals permitted in schools and elsewhere on Center property shall be limited to those necessary to support specific curriculum-related projects and activities, those that provide assistance to a student or staff member due to a disability (e.g., seizure disorder), or those that serve as service animals as required by Federal and State law.

Taking into consideration that some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement, the Principal may permit non-service animals to be present in classrooms to support curriculum-related projects and activities only under the following conditions:

- A. the staff member seeking approval to have a non-service animal in his/her classroom shall:
 - 1. provide a current satisfactory health certificate or report of examination from a veterinarian for the animal;
 - 2. take precautions deemed necessary to protect the health and safety of students and other staff;
 - 3. provide that the animal is treated humanely, keeping it in a healthy condition and in appropriate housing (e.g., a cage or tank) that is properly cleaned and maintained; and,
 - 4. keep the surrounding areas in a clean and sanitary condition at all times;
- B. other staff members and parents of students in areas potentially affected by animals have been notified in writing and adjustments have been made to accommodate verified health-related or other concerns.

Except where required by law, the presence of a non-service animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated.

Service Animals for Students

A service animal is permitted to accompany a student with a disability to whom the animal is assigned anywhere on the school campus where students are permitted to be. A service animal is the personal property of the student and/or parents. The Board does not assume responsibility for training, daily care, or healthcare or supervision of service animals. The Board does not assume responsibility for personal injury or property damage arising out of or relating to the presence or use of service animals on Center property or at Center-sponsored events.

A service animal that meets the definitions set forth in the ADA and this policy shall be under the control of the student with a disability, or a separate handler if the student is unable to control the animal. A service animal shall have a harness, leash, or other tether, unless either the student with a disability is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the student's control (e.g, voice control, signals, or other effective means), or under the control of a handler other than the student.

If the student with a disability is unable to control the service animal and another person serves as the animal's handler, that individual shall be treated as a volunteer and, as such, will be subject to Policy 4120.09.

Removing and/or Excluding a Student's Service Animal

If a service animal demonstrates that it is not under the control of the student or handler, the Principal is responsible for documenting such behavior and for determining if and when the service animal is to be removed and/or excluded from school property. Similarly, in instances when the service animal demonstrated that it is not housebroken, the Principal shall document such behavior and determine whether the service animal is to be removed/and or excluded from school property.

The Principal shall notify the Superintendent when a service animal is removed and/or excluded, and, immediately subsequent to such notification, document the reasons for the removal and/or exclusion. The Principal's decision to remove and/or exclude a service animal from school property may be appealed in accordance with the complaint procedure set forth in Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity. The procedures set forth in Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity do not interfere with the rights of a student and his/her parents or an eligible student to pursue a complaint with the United States Department of Education's Office for Civil Rights or the Department of Justice.

Eligibility of a Student's Service Animal for Transportation

A student with a disability shall be permitted to access School Center transportation with his/her service animal. There may also be a need for the service animal's handler, if the handler is someone other than the student, to also access School Center transportation. If the student has an IEP or 504, follow the directives of the plan.

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Eligibility of a Student's Service Animal for Transportation

A student with a disability shall be permitted to access School Center transportation with his/her service animal. There may also be a need for the service animal's handler, if the handler is someone other than the student, to also access School Center transportation. If the student has an IEP or 504, follow the directives of the plan. When a service animal is going to ride on a school bus or other Board-owned or leased vehicle, the student and his/her parents, or eligible student, and the handler, if s/he is someone other than the student, shall:

- A. Meet with the Principal and Transportation Supervisor to discuss critical commands needed for daily interaction and emergency/evacuation, and to determine whether the service animal should be secured on bus/vehicle with a tether or harness.
- B. At the discretion of the Principal and/or Transportation Supervisor an orientation will take place for students and staff who will be riding the bus/vehicle with the service animal regarding the animal's functions and how students should interact with the animal.

The service animal shall board the bus by the steps with the student, not a lift, unless the student uses the lift to enter and exit the bus. The service animal must participate in bus evacuation drills with the student. While the bus/vehicle is in motion, the service animal shall remain positioned on the floor, at the student's feet.

Service Animals for Employees

In accordance with Policy 1623, Policy 3123, and Policy 4123 – Section 504/ADA Prohibition against Disability Discrimination in Employment, the Board provides qualified individuals with disabilities with reasonable accommodation(s). An employee with a disability may request authorization to use a service animal while on duty as such an accommodation. The request will be handled in accordance with the ADA mandated interactive process.

Service Animals for Parents, Vendors, Visitors, and Others

Individuals with disabilities who are accompanied by their service animals are permitted access to all areas of the Center's facilities where members of the public, as participants in services, programs, or activities, as vendors, or as invitees, are permitted to go. Individuals who will access any area of the Center's facilities with their service animals should notify the Principal that their service animal will accompany them during their visit. An individual with a disability who attends a school event will be permitted to be accompanied by his/her service animal in accordance with Policies 2260A Access to Equal Educational Opportunity and 9160 – Public Attendance at School Events.

28 C.F.R. 35.104, Section 504 of the Rehabilitation Act of 1973, as amended (Section 504), The Americans with Disabilities Act, as amended (ADA), The Individuals with Disabilities Education Improvement Act (IDEIA), R.C. 955.43, R.C. 1717.01;

Related Policy - 2260 Access to Equal Educational Opportunity

Adopted: December 8, 2015
Revised: November 8, 2016

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SCHOOL SAFETY

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

Emergency Management Plan ("EMP")

To that end, the Superintendent shall develop, and the Board shall adopt, an Emergency Management Plan ("EMP") with input from representatives from community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees assigned to the building.

The EMP shall be comprehensive and consider each school building under the Board's control. In developing the EMP, the Superintendent shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety. The Superintendent shall also consider whether operating changes are needed to prevent potential danger, noting particular remediation strategies to address previously documented safety problems, if any.

The EMP will include:

- A. Protocols for addressing serious threats and emergency events that affect the safety of school property, students, employees, or administrators. These protocols will include appropriate procedures for responding to these threats and emergencies, such as notifying law enforcement, containing specified emergency personnel, and alerting parents;
- B. a floor plan unique to each floor of each school building;
- C. a site plan that includes all school property and surrounding property; and
- D. an emergency contact information sheet.

The Superintendent shall prepare and conduct at least one annual emergency management test, in accordance with the rules adopted by the Ohio Department of Education (ODE). By July 1st of every year, the Superintendent shall review the EMP and certify in writing to the ODE that the EMP is current and accurate. The Superintendent shall update – and the Board shall adopt – the EMP at least every three (3) years, or earlier, if a major modification to a school building requires changes to the EMP, or emergency contact information is no longer accurate and requires changes to the EMP.

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Upon approval and adoption of the EMP by the Board, the Superintendent, or designee, shall submit an electronic copy of the EMP to the ODE. No later than the date prescribed by ODE, the Superintendent shall also file a copy of the EMP with the following:

- A. each law enforcement agency that has jurisdiction over the school building;
- B. upon request, the local fire department, emergency medical service organization, and county emergency management agency serving the area in which the school center is located.

The Superintendent will also file copies of the EMP with the above agencies within thirty (30) days of the Board's adoption of a revised EMP.

The EMP is not a public record.

The Board shall grant access to each school building to law enforcement personnel and any local fire department, emergency medical services organization, or county emergency management agency that has requested a copy of the EMP, to enable such personnel to conduct training sessions for responding to threats and emergency events affecting the Center and/or a school building. Such access shall be provided outside of student instructional hours and an employee of the Board must be present in the building during the training sessions.

Prior to July 1st of every year, the Superintendent shall inform each enrolled student and the student's parent of the procedures to be used to notify parents in the event of an emergency or a serious threat to safety.

Safe and Drug Free Schools

As a part of the EMP, the Board shall verify that it has procedures in place for keeping schools safe and drug-free that include the following (also see Form 8330 F15 entitled Checklist of Policies and Guidelines Addressing No Child Left Behind Act of 2001):

- A. appropriate and effective school discipline policies that prohibit disorderly conduct, the illegal possession of weapons and illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs or look-a-likes by students;
- B. security procedures at school and while students are on the way to and from school;
- C. prevention activities that are designed to maintain safe, disciplined and drug-free environments;
- D. a code of conduct or policy for all students that clearly states the responsibilities of students, teachers, and administrators in maintaining a classroom environment that:
 - 1. allows a teacher to communicate effectively to all students in the class;
 - 2. allows all students in the class the opportunity to learn;
 - 3. has consequences that are fair, and developmentally appropriate;
 - 4. considers the student and circumstances of the situation;
 - 5. is enforced accordingly.

Persistently Dangerous Schools

The Board recognizes that State and Federal law requires that the District report annually incidents, which meet the statutory definition of violent criminal offenses that occur in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. It is further understood that the State Department of Education will then use this data to determine whether or not a school is considered "persistently dangerous" as defined by State policy.

Pursuant to the Board's stated intent to provide a safe school environment, the school administrators are expected to respond appropriately to any and all violations of the Student Code of Conduct, especially those of a serious, violent nature. In any year where the number of reportable incidents of violent criminal offenses in any school exceeds the threshold number established in State policy, the Superintendent shall make a report to the Board about this plan of corrective action and shall recommend approval and adoption of it.

In the unexpected event that the number of reportable incidents in three (3) consecutive school years exceeds the statutory threshold and the school is identified as "persistently dangerous," students attending the school shall have the choice option as provided in Policy 5113.02. If a school in a neighboring district is identified as persistently dangerous and there is not another school in that district, the District will admit students from that school in accordance with Board Policy 5113.02.

Victims of Violent Crime

The Board further recognizes that, despite the diligent efforts of school administrators and staff to provide a safe school environment, an individual student may be a victim of a violent crime in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. In accordance with Federal and State law, the parents of the eligible student shall have the choice options provided by Policy 5113.02.

O.R.C. 3313.536

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

20 U.S.C. 6301 et seq.

Public Law 107-110

Adopted: January 11, 2005

Revised: July 21, 2016

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ENVIRONMENTAL HEALTH AND SAFETY ISSUES

The Board of Education recognizes its responsibility relative to student, employee, and visitor health and safety, and the need for development of a comprehensive program designed to provide a healthy, safe, and secure environment on District property and at District-sponsored activities. To achieve this, it is the intent of the Board that the District will avail itself of the most current, proven technologies in the fields of health, safety, and environmental sciences.

STUDENT, EMPLOYEE, AND VISITOR HEALTH AND SAFETY

The District shall develop and implement an environmental health and safety program that is positive, proactive, integrates responsibilities within the District, and promotes and incorporates the following:

- A. Procedures describing a hazard identification and abatement program that requires the periodic inspection of District facilities, the implementation of immediate and programmed corrective actions when deemed necessary by such inspections, and the development of a District-wide hazard reporting procedure that enables employee/stakeholder participation. This program should also provide procedures for identifying and responding to hazards that are created by outside entities, inspecting activities of contractors, and inspecting new facilities to determine whether or not appropriate requirements for environmental health and safety have been met.
- B. Procedures that promote environmental health and safety awareness among employees, students, and stakeholders. These procedures shall include, but not be limited to, the establishment of school and District safety committees, and the establishment of a program of regular communication with students, employees, and stakeholders about pertinent safety and health issues through available mediums in the District.
- C. Procedures directed toward the safety and health of students during transportation to and from school, at school, and during participation in school-related activities. These procedures shall include, but not be limited to, promoting bus safety for students, assessing the safety of school traffic patterns, operating school clinics, administering medication and medical treatment, promoting laboratory and shop safety, promoting safety in sports and other outdoor activities, inspecting playground equipment and promoting safety on playgrounds, and assessing environmental exposure.
- D. Procedures related to District employee health and safety issues that include, but are not limited to, provision of work areas free from recognized hazards and OSHA-related programs that are required by Federal and State law, such as, employee safety and health training and training in hazard recognition, and defining employer and employee responsibilities and expectations related to health and safety.
- E. Procedures describing an accident reporting and investigation system that provides for identification of root causes, determination of remedial and programmed corrective actions, and provides communication about accidents to employees and stakeholders.
- F. Procedures that detail plans for foreseeable emergencies and fire prevention.

PHASE-OUT/BANNED PRODUCTS

The Superintendent shall require that any chemicals, insecticides, or other materials that the Federal government is phasing out and/or banning by a certain date be immediately banned from use on Board property.

ANIMALS IN CLASSROOMS - Use of animals in classrooms shall be limited to that necessary to support the educational mission, taking into consideration that some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement. Animals in classrooms shall be kept in a healthy condition in appropriate cages or tanks, which are kept clean (see AG 8405A).

INDOOR ENVIRONMENTAL QUALITY (IEQ)

The Board recognizes that excessive moisture levels within the schools can lead to conditions that are optimum for the development of biological contaminants, such as mold and fungi on building surfaces. The Board further recognizes that the presence of these contaminants can be harmful on contact with respiratory tissue.

Contributing factors to excessive moisture levels include the following:

- A. roof leaks;
- B. structural defects in the building;
- C. improperly controlled humidity levels;
- D. faulty HVAC systems.

As preventative measures, the District shall do the following:

- A. address prevention of water intrusion as a priority indoor air quality (IAQ) issue and implement strategies toward its elimination;
- B. maintain environmental conditions in occupied areas that are in compliance with applicable regulations and strive to conform to consensus industry standards;
- C. implement a preventative maintenance program for HVAC systems which shall include, but not be limited to, periodic filter replacement, inspection, cleaning and disinfecting processes, and procedures to eliminate the contribution to indoor air quality problems caused by this equipment;
- D. implement a system for insuring materials used and purchased for use in the construction, furnishing and maintenance, including cleaning of facilities, do not contribute to the health hazards to employees and students by degrading the quality of indoor air. In addition, activities that create indoor air quality health hazards shall not be permitted.

In addition, the Superintendent shall develop administrative guidelines for the proper monitoring of the factors that contribute to excessive moisture and for the development of mitigation plans when, and if, problems with IAQ are identified (see AG 8405).

DIESEL EXHAUST AND SCHOOL BUS IDLING

In accordance with the Environmental Protection Agency's initiative to reduce pollution that is caused by school buses on school property, the Board will take the recommended steps to reduce the negative effect of diesel exhaust on indoor and outdoor air quality on school campuses. This effort shall include, but not be limited to, reducing bus idling time and reinforcing smart driving practices by posting signs where buses or other vehicles may be standing in line to either let students off or pick them up.

The Superintendent shall develop the administrative guidelines necessary to establish these practices in the District which includes regular inspections of the areas of concern and reporting of records.

POLLUTION CONTROL AND PREVENTION

In an effort to comply with environmental policy and applicable regulations, the District shall develop and implement procedures designed to prevent air and water pollution, minimize or eliminate waste streams where possible, and identify possible sources of air and water pollution.

SEE ALSO THE FOLLOWING RELATED POLICIES:

- Policy **7430** - Risk Reduction Program
- Policy **8410** - Crisis Intervention
- Policy **8415** - Emergency Evacuation of Schools
- Policy **8431** - Preparedness for Toxic Hazard and Asbestos Hazard
- Policy **8442** - Reporting Accidents
- Policy **8450** - Control of Communicable Diseases
- Policy **8453** - Control of Non Casual-Contact Communicable Diseases
- Policy **8453.01** - Control of Blood-Borne Pathogens

Adopted: January 10, 2006

Reviewed: October 11, 2016

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CRISIS INTERVENTION

The LCESC Governing Board believes that the ESC employees and students, as well as visitors, are entitled to function in a safe and drug-free school environment. In this regard, the Board has adopted policies related to conduct in the school setting as well as those that address various crisis situations.

The Superintendent shall develop administrative guidelines through staff and student handbooks for responding to a crisis situation, developing a prevention plan, and providing intervention for students who may show warning signs that relate to violence or other troubling behaviors.

Adopted: January 11, 2005

Revised: February 14, 2006

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EMERGENCY SITUATIONS AT SCHOOLS

The Governing Board is committed to providing a safe learning and work environment. Unfortunately, natural and man-made disasters do occur. Such emergencies are best met by preparedness and planning.

The Governing Board directs that a system of emergency preparedness be developed that addresses the following goals and objectives for its programs:

- A. the health and safety of students and staff are safeguarded;
- B. the time necessary for instructional purposes is not unduly diverted;
- C. minimum disruption to the educational program occurs; and
- D. students are helped to learn self-reliance and trained to respond sensibly to emergency situations.

All threats to the safety of the Educational Service Center and Participating District facilities shall be identified by appropriate personnel and responded to promptly in accordance with the plan for emergency preparedness.

The Board directs that fire, tornado, and school safety drills be conducted during the school year in accordance with State law.

Fire drills shall be conducted six (6) times a school year at the times and frequency prescribed by the State Fire Marshall with the first fire drill being conducted within ten (10) days of the beginning of classes. However, no fire drills are required to be conducted in any month that a school safety drill is conducted. Tornado drills shall be conducted on a regular basis during tornado season which is the period from the first (1st) day of April to the last day of July. Times and frequency of drills must be varied.

If a school does not have a smoke detector or a sprinkler system, fire drills or rapid dismissals must continue to be conducted nine (9) times a school year. Such drills, however, may be combined with the three (3) required school safety drills.

The record of Emergency Evacuation Drills shall be submitted to the State Fire Marshall twice a year; at the middle point and again at the end of a school's operation during each school year.

School safety drills shall be conducted at least three times during each school year. During the school drills, students must be instructed in the appropriate procedures to follow in situations where students must be secured in their building or rapidly evacuated in response to:

- A. a threat to the school involving terrorism;
- B. a person in possession of a deadly weapon or dangerous ordnance on school property;
- C. other acts of violence.

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At least one (1) safety drill shall include a scenario where pupils must be secured in the school building rather than rapidly evacuated.

School safety drills (including drills and theoretical drills) shall be conducted in conjunction with the building's emergency management plan.

The Director or designee must conduct at least one (1) drill or rapid dismissal or one (1) school safety drill during each month of the school year. A drill or rapid dismissal may be conducted during the same month as a school safety drill. All building occupants must participate in the drill.

Additionally, the Principal shall conduct a theoretical school safety drill at least once during the school year to provide instruction to school faculty and staff regarding to procedures to be followed in such situations. The theoretical drill does not need to include student participation and may be conducted at required annual employee safety drill training session.

Each safety drill shall be conducted in conjunction with law enforcement officials.

Prior to conducting the annual school safety drills, each Director or designee shall do the following:

- A. Provide advance written notice of each school safety drill (actual or theoretical) to the municipal or township Police Chief, or other chief law enforcement officer (or in absence of such officer, the county sheriff).

Such notice shall be provided no later than seventy-two (72) hours prior to the date the drill will be held, be sent by mail, facsimile, or electronic submission, and include the address of the school and the date and time the drill will be conducted; and send a carbon copy to the Superintendent.

- B. Provide follow-up written certification of the date and time the drill was conducted during the previous school year as well as the date and time each drill will be conducted during the current school year to the municipal Police Chief and a copy to the Superintendent
- C. The certification of each completed drill must be submitted by mail, facsimile or electronically by December 5th each calendar year.
- D. Hold annual training sessions for school employees regarding the procedures to follow during school safety drills.

Each director shall keep a written record of the date and times of each drill conducted and keep the appropriate log for fire drills. Copies of each shall be submitted to the Superintendent as requested.

Procedures shall be developed and reviewed annually for the handling of all emergency evacuations.

R.C. 3737.73; A.C. 1301:7-7-01, 1301.7-7-04, 3301-5-01, OFC 409.2, OFC 405.1.1.1

Adopted: November 17, 1998

Revised: January 12, 2016

Administrative Guidelines

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Administrative Guidelines to implement evacuation of schools as required by Policy 8420 shall include plans to submit to local law enforcement agencies and shall include the following:

- A. procedures for the safe dispersal of students from school property and, if necessary, a plan for sequestering students in a safe place other than the school;
- B. design of a communications system to alert the whole school community when necessary and to notify parents of the evacuation of students;
- C. instructions in safety precautions to be taken in case of tornado alert or warning;
- D. instruction in emergency preparedness and survival techniques as a part of the regular curriculum of the schools;
- E. the immediate notification of appropriate administrative personnel whenever any employee becomes aware of an emergency or impending emergency;
- F. cooperation with such local officials and agencies as the fire marshal, law enforcement, civil defense and other educational institutions;
- G. instruction of staff members in decision making and the techniques of handling emergencies;
- H. the continual evaluation of the effectiveness of emergency planning in preparing the schools to cope with disaster.

R.C. 3737.73

A.C. 1301:7-7-01 & 7-5-09, 3301-35-03 (D), 3301-83-15

Implemented: June 12, 2016

PANDEMICS AND OTHER MEDICAL EMERGENCIES

A pandemic is an outbreak of an infectious disease. The Governing Board authorizes the Superintendent to set up a Pandemic Response Team to develop a Pandemic Plan with local government and law enforcement agencies, emergency management organizations and county school nurses.

A Pandemic Plan should be included in the district's Safety Plan and contain the following points of interest:

- A. a communication method for school schedule changes, busing changes and school closure;
- B. an educational pandemic prevention program for staff and students;
- C. provision for the business office to maintain continuity of operations during a pandemic occurrence;
- D. provision for distance based learning for students (i.e., Internet instruction, community channel broadcast) to maintain continuity of education;
- E. policies and procedures for students and staff absences and extended leaves of absence due to a pandemic;
- F. policies and procedures for isolation and possible transportation of students and staff who become ill at school due to a pandemic;
- G. a plan of communication regarding pandemic status to students, parents and staff;
- H. a plan for operating the Educational Service Center with less staff due to a pandemic;
- I. a designee responsible for establishing timelines within the Pandemic Plan and ensuring that such timelines are met and implementation of the plan occurs; and
- J. other emergency procedures necessary for the Center to deal with a pandemic.

The Pandemic Plan, as part of the Safety Plan, should be reviewed annually by the Safety Committee and updated as appropriate.

Adopted: July 17, 2007

BIOTERRORISM

A bioterrorist attack is the deliberate release of a biological agent used to cause illness and death in people. The Governing Board directs the Superintendent to develop, in conjunction with local government and law enforcement officials, a Bioterrorism Response Plan (BRP). The BRP should be included in the District Safety Plan and contain the following points of concern:

- A. a communication method for school schedule changes, busing changes, and school closure;
- B. an educational bioterrorism prevention program for students and parents;
- C. a bioterrorism training and identification program for staff;
- D. provision for the business office to maintain continuity of operations during a bioterrorism attack;
- E. provision for distance-based learning for students (i.e. Internet instruction, channel community broadcast) to maintain continuity in education;
- F. policies and procedures for students and staff absences due to a bioterrorist attack;
- G. policies and procedures for isolation and possible transportation of students and staff who become ill at school due to a bioterrorist attack;
- H. a plan of communication to students, parents, and staff regarding the status of a bioterrorist attack;
- I. a plan for operating the Educational Service Center with less staff due to a bioterrorist attack;
- J. a designee responsible for establishing timelines within the BRP and verifying that such timelines are met and implementation of the plan occurs; and
- K. other emergency procedures necessary for the Center to deal with an attack of bioterrorism.

The BRP should be reviewed annually by the Safety Committee and updated as appropriate.

Cross Ref: 8400 Safety Plan
 8420 Emergency Evacuations
 8420.01 Pandemic and other Medical Emergencies

Adopted: August 14, 2007

Revised: March 8, 2011

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BOMB THREAT

While the likelihood of a bomb actually being placed in a school is very remote, the Governing Board believes the following steps should be taken to ensure the safety of students and staff:

- A. Police will be contacted and requested to investigate. Police may enlist the assistance of outside help.
- B. The Superintendent's Office will be contacted.
- C. Students and staff will be evacuated from the building upon the decision of Superintendent/Director.

Administrators, teaching and support staff, and maintenance personnel will assist and cooperate with police authorities.

Police and school authorities will make every effort to determine who made the bomb threat call. If an individual is apprehended, s/he shall be prosecuted to the fullest extent permitted by law. If a student is involved, these rules will be enforced to its fullest and the matter referred to the appropriate court.

Adopted: December 14, 1999

Revised:

PREPAREDNESS FOR TOXIC HAZARD

The Governing Board is concerned for the safety of the students and staff members and will attempt to comply with all Federal and State statutes and regulations to protect them from hazards that may result from industrial accidents beyond the control of school officials or from the presence of asbestos materials used in previous construction.

TOXIC HAZARDS These hazards exist in chemicals and other substances used in the school setting such as in laboratories, science classrooms, kitchens, and in the cleaning of rooms and equipment. The Superintendent shall appoint an employee to serve as Toxic Hazard Preparedness (THP) Officer. The THP Officer is responsible for:

- A. identifying potential sources of toxic hazard in cooperation with material suppliers who shall supply the THP Officer with Material Safety Data Sheets (MSDSs);
- B. verifying that all incoming materials, including portable containers, are properly labeled with the identity of the chemical, the hazard warning, and the name and address of the manufacturer or responsible party;
- C. maintaining a current file of MSDSs for every hazardous material present on District property;
- D. designing and implementing a written communication program which:
 - 1. lists hazardous materials present on District property;
 - 2. details the methods used to inform staff and students of the hazards, and;
 - 3. describes the methods used to inform contractors and their employees of any hazardous substances to which they may be exposed and of any corrective measures to be employed;
- E. conducting a training program for all District employees to include such topics as detection of hazards, explanation of the health hazards to which they could be exposed in their work environment, and the District's plan for communication, labeling, etc.

In fulfilling these responsibilities, the THP Officer may enlist the aid of county and municipal authorities and, if possible, the owners or operators of identified potential sources of toxic hazard.

APPLICATION OF PESTICIDES Any staff member or contractor who applies pesticides on Center property shall meet the requirements of 8431 in addition to the requirements established by law.

Written notification shall be provided each year, prior to any pesticide application when school is in session, to those parents, adult students, and employees requesting prior notification of scheduled pesticide applications: that a pesticide is to be applied; the type of pesticide and its potential side effects; the location of the application; and the date of the application.

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The method and type of prior notifications and signage shall be determined by the Center.

If circumstances arise that prevent prior notification from being provided, regarding such emergency application of pesticides to control organisms that pose an immediate health threat, the Center shall provide notice as soon as possible. In addition to the information specified above, the notice shall provide the reasons why advance notice was not provided.

ASBESTOS

In its efforts to comply with Asbestos Hazard Emergency Response Act (AHERA), the Ohio Occupational Safety and Health Act (OSHA), and the Ohio Public Employment Risk Reduction Act (PERRA), the Board authorizes the Superintendent to appoint a person to develop and implement the Asbestos-Management Program. Said individual will be responsible for the District's proper compliance with Federal and State laws and the appropriate instruction of staff and students.

The Superintendent shall also verify that, when conducting asbestos abatement projects, each contractor employed by the District is licensed pursuant to the Ohio Department of Health Regulations.

Nothing in this policy should be construed in any way as an assumption of liability by the Board for any death, injury, or illness that is the consequence of an accident or equipment failure or negligent or deliberate act beyond the control of the Board or its officers and employees.

A.C. 3701-34-06; 40 C.F.R. 763.92;

Asbestos Hazard Emergency Response Act of 1986 (AHERA)
15 U.S.C. 2601, 20 U.S.C. 4022, 20 U.S.C. 4014, 20 U.S.C. 4011 et seq.;

Asbestos School Hazard Abatement Act of 1984;

Asbestos School Hazard Abatement Reauthorization Act of 1990; 20 U.S.C. 4011;
Public Employee Risk Reduction Act (PERRA) R.C. 4167.01 et seq.

R.C. 921.01 et seq.;

A.C. 901:5-11 et seq.

Adopted: January 10, 2006

Revised: June 14, 2011

REPORTING ACCIDENTS

The Governing Board directs that all reasonable efforts be made to provide a safe learning and working environment for the students and employees of the Educational Service Center (Center).

To that end and to the end that an employee's legitimate claims for worker's compensation may be expedited, the Board requires that accidents be reported and evaluated. Any accident that results in an injury, however slight, to a student, an employee of the Center, or a visitor to the Center's facilities must be reported promptly and in writing to the ESC business office. Injured persons shall be referred immediately to the appropriate personnel or agencies for such medical attention as may be appropriate.

The injured employee, visitor or the staff member responsible for an injured student shall complete an accident form on-line (www.lcesc.org Health & Safety – PublicSchoolWORKS) that includes the date, time, and place of the incident; the names of persons involved; the nature of the injury to the extent that it is known; and a description of all relevant circumstances.

Any employee of the Governing Board who suffers a job-related injury must report the injury and its circumstances to the building administrator or job supervisor, as appropriate, as soon as possible following the occurrence of the injury. The failure of an employee to comply with this mandate may result in disciplinary action.

If a staff member sustains a workplace injury while s/he is under the influence of alcohol or a controlled substance not prescribed by his/her physician, s/he may be disqualified for compensation and benefits under the Workers Compensation Act. If the staff member tests positive or refuses to submit to a test for alcohol and/or other drugs after sustaining a workplace injury, the employee may dispute or prove untrue the presumption or belief that alcohol and/or other drugs are the proximate cause of the injury (i.e., rebuttable presumption).

To encourage safety mindedness in the workplace, the Superintendent will develop job descriptions, which include in writing the employee's responsibility with working conditions for the particular job for which the employee works and that yearly safety course/training shall be a requirement to maintain job eligibility. A copy is to be given to the employee upon changes to the job description or at employment.

R.C. 4123.01 et seq., 4123.54

Adopted: November 17, 1998
Revised: October 14, 2008

CONTROL OF CASUAL-CONTACT COMMUNICABLE DISEASES

The Governing Board recognizes that control of the spread of communicable disease spread through casual contact is essential to the well-being of the school community and to the efficient Educational Service Center (ESC) operation.

For purposes of this policy, "casual-contact communicable disease" shall include:

- A. diphtheria;
- B. scarlet fever and other strep infections;
- C. whooping cough;
- D. mumps;
- E. measles;
- F. rubella; and
- G. others designated by the Ohio Department of Public Health.

In order to protect the health and safety of the students, Center personnel, and the community at large, the Governing Board shall follow all State statutes and Health Department regulations which pertain to immunization and other means for controlling communicable disease spread through normal interaction in the school setting.

The teacher may remove from the classroom and the building administrator may exclude from the building or isolate in the school any student who appears to be ill or has been exposed to a communicable disease. If a student exhibits symptoms of a casual-contact disease, the Principal will isolate the student in the building and contact the parents/guardians. Protocols established by the County Health Department shall be followed.

R.C. 3313.67, 3313.671, 3313.68

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

Adopted: December 14, 1999

Revised: January 18, 2011

AUTOMATED EXTERNAL DEFIBRILLATORS (AED)

The Governing Board has determined that it may enhance school safety to have an automated external defibrillator (AED) placed in each building(s) within the Educational Service Center.

An AED is a medical device that interprets the cardiac rhythm of a person in cardiac arrest and, if appropriate, delivers an electric shock to the heart intended to allow it to resume effective electrical activity.

The Superintendent is authorized to develop guidelines that govern AEDs, including the use of the AED, placement of the AED, and training and the use of the AED in conjunction with a healthcare professional.

R.C. 2305.235, 3701.85, 3313.717

Adopted: January 12, 2016

Revised:

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CONTROL OF NONCASUAL-CONTACT COMMUNICABLE DISEASES

The Governing Board seeks to provide a safe educational environment for both students and staff. It is the Board's intent to ensure that any student or member of the staff who contracts a communicable disease that is not communicated through casual contact will have his/her status in the Educational Service Center (ESC) examined by an appropriate panel of resource people and that the rights of both the affected individual and those of other staff members and students will be acknowledged and respected. For purposes of this policy, "noncasual-contact communicable disease" shall include:

- A. AIDS - Acquired Immune Deficiency Syndrome;
- B. ARC - AIDS Related Complex;
- C. persons infected with HIV (human Immunodeficiency);
- D. Hepatitis B; and
- E. other like diseases that may be specified by the State Board of Health.

In its effort to assist in the prevention and control of communicable diseases of any kind, the Board has established policies on Immunization, Hygienic Management, and Control of Casual-Contact Communicable Diseases. The purpose of this policy is to protect the health and safety of the students, ESC personnel, and the community at large from the spread of the above-mentioned diseases. The Board seeks to keep students and staff members in school unless there is definitive evidence to warrant exclusion. When the Superintendent learns that a student or ESC employee may be infected with a Noncasual-contact communicable disease, the Superintendent shall convene a review panel as soon as practicable consisting of appropriate staff members and the Licking County Health Department to determine if the initial evidence warrants exclusion. If the evidence is not sufficient to justify exclusion, the person shall remain in his/her current school environment unless there exists a threat to the person's health or safety through exposure to other communicable diseases.

If the Licking County Health Officer and the review panel determine that the evidence indicates the person should be excluded from the school environment, the person shall be temporarily excluded, following proper notice. The ESC shall provide an alternative education program for any student excluded from the school setting as a consequence of the review panel's decision. Such a program shall be in accordance with the Board's policy and guidelines on Homebound Instruction.

The rights of any affected student, as well as those of any affected staff member, shall be protected in accordance with Federal and State laws on privacy, confidentiality, and due-process. In addition, the exclusion of any staff member from the District by the County Health Officer's decision will be done in accord with relevant sections of Ohio statutes concerning sick leave. Further, it is the Board's policy that all students and staff members should maintain normal contact with an affected student or staff member whose continued presence in the school was determined by this process.

The Board directs the Superintendent to develop an educational program that will prepare staff annually on use of "Universal Precautions" in dealing with all students in reacting to any body spills, thereby preventing spread or contact with such noncasual communicable diseases.

Adopted: December 14, 1999
Revised: March 8, 2011

CONTROL OF BLOOD-BORNE PATHOGENS

The Licking County Educational Service Center Governing Board seeks to protect those staff members who may be exposed to blood-borne pathogens and other potentially-infectious materials in their performance of assigned duties.

The Superintendent will implement administrative guidelines and procedures reviewed and updated each year in LCESC Employee Staff Handbooks that include the following requirements:

- A. identify those categories of employees whose duties create a reasonable anticipation of exposure to blood and other infectious materials;
- B. provide for inoculation of the Hepatitis B vaccine at no cost to the staff member and in accordance with Federally-mandated scheduling;
- C. ensure proper training in the universal precautions against exposure and/or contamination including the provision of appropriate protective supplies and equipment through courses required in PublicSchoolWORKS;
- D. establish appropriate procedures for the reporting, evaluation, and follow-up to any and all incidents of exposure;
- E. provide for record-keeping of all of the above which complies with both Federal and State laws;
- F. develop an exposure control plan.

R.C. 3703.03; 3703.26; 3313.67; 3313.68; 3313.71,3319.321; 3701.13; 3701.14; 3707.04; 3707.08; 3709.21; 3707.20

29 C.F.R. 1910.1030
A.C. 3301-35-03

Adopted: November 17, 1998

Revised: June 7, 2016

STUDENT EXPOSURE TO BLOOD-BORNE PATHOGENS

The Licking County Educational Service Center Governing Board seeks to provide a safe environment for students and take appropriate measures to protect those students who may be exposed to blood-borne pathogens and other potentially-infectious materials in the school environment and/or during their participation in school-related activities. While the risk to students being exposed to blood-borne pathogens may be low, students must assume that all body fluids are potentially infectious and must take precautions to follow universal procedures in order to reduce such risks and minimize and/or prevent the potential for accidental infection.

In order to reduce the risk of students being exposed to blood-borne pathogens, the Superintendent shall implement administrative guidelines and procedures reviewed and updated each year in LCESC Student Handbooks that include the following requirements:

- A. identify potential situations where students may be exposed to blood and other infectious materials;
- C. require proper training for staff in the universal precautions against student or staff exposure and/or contamination including the provision of appropriate protective supplies and equipment;
- D. establish appropriate procedures for the reporting, evaluation, and follow-up to any and all incidents of student exposure;
- E. provide for record-keeping of all of the above.

R.C. 3703.03; 3703.26; 3313.67; 3313.68; 3313.71, 3319.321

A.C. 3301-35-03

Adopted: August 14, 2007

Revised: June 7, 2016

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STUDENT ABUSE AND NEGLECT

The Governing Board is concerned with the physical and mental well-being of the students of this Educational Service Center (ESC) and will cooperate in the identification and reporting of cases of child abuse or neglect in accordance with law.

Every Board official or employee who, in connection with his/her position, knows or suspects child abuse or neglect must immediately report that knowledge or suspicion to a public children's services agency or local law enforcement agency. Such reporting shall be required in every case that reasonably indicates that a child under the age of eighteen (18) or a physically or mentally disabled child under the age of twenty-one (21) has been abused (physically or mentally) or has suffered or faces the threat of suffering a physical or mental injury. The Board official or employee making the report shall also notify the appropriate administrator according to the ESC's Reporting Procedures for Student Abuse or Neglect and shall secure prompt medical attention to any such injuries reported.

Each administrator should be mindful of physical or mental abuse inflicted on a student by an employee. Any such instances, whether real or alleged, should be dealt with in accordance with the administrative guidelines established by the Superintendent. Board officials and employees must report suspected abuse to a public children's service or local law enforcement agency even when the suspected abuser is another official or employee. The identity of the reporting person shall be confidential, subject only to disclosure by consent or court order. A reporting staff member shall not be dismissed or otherwise penalized for making a report of child abuse or neglect to the appropriate agency. However, information concerning alleged child abuse of a student is confidential information and is not to be shared with any unauthorized person. A staff member who violates this policy may be subject to disciplinary action and/or civil and/or criminal penalties.

In accordance with law, the Governing Board should provide appropriate instruction on personal safety and assault prevention to all students in preschool to grade 6. In order to develop programs that are appropriate and effective, the Superintendent is authorized to consult with public and/or private agencies or individuals involved in child abuse prevention and intervention. In addition, the Superintendent shall provide a program of in-service education on child abuse, violence, and substance abuse and promotion of positive youth development, including a review of Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, for all preschool, elementary, middle school and high school staff members. Further, all currently-employed middle school and high school staff members must complete the initial four (4) hours of inservice training no later than October 16, 2011. All newly-employed professional staff shall complete at least four (4) hours of in-service training within two (2) years of the date of employment. Additional training must occur every five (5) years thereafter. The inservice provided for middle and high school employees shall include training in the prevention of dating violence. A law enforcement officer or children's services agency investigating child abuse or neglect may interview a student on school grounds only in accordance with Board Policy 5540.

R.C. 2151.421, 3313.60, 3319.073

Adopted: December 14, 1999;
Revised: May 8, 2012

FOOD SERVICES

It is the policy of the Governing Board to authorize the superintendent to arrange for food services from a reliable source to provide a lunch option for students and staff when facilities are outside other participating district facilities. Such cost is to be borne by the student or staff member who desires to participate in such daily purchase.

The food-service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption and disposal of food and beverages, including but not limited to the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program.

In addition, as required by law, a food safety program that is based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the food facilities therein shall be limited to food service authorized persons.

During all times while the food service program is operating and students are being served food, at least one (1) employee shall be present in the area in which the food is being consumed who has received instruction in methods to prevent choking and has demonstrated an ability to perform the Heimlich maneuver.

The operation and supervision of the food service program shall be the responsibility of the building administrator. In accordance with Federal law, the building administrator shall take such actions as are necessary to obtain a minimum of two (2) food safety inspections per school year, which are to be conducted by the State or local governmental agency responsible for food safety inspections.

A periodic review of the food-service accounts shall be made by the Treasurer. Any surplus funds from the National School Lunch Program shall be used to reduce the cost of the service for students or to purchase cafeteria equipment.

In accordance with the nutritional standards the placement of vending machines in any classroom where students are provided instruction, unless the classroom is also used to serve meals to students, is prohibited.

No foods or beverages, other than those associated with the Center's food service program, are to be sold during food service hours. The Center shall serve only nutritious food in accordance with the nutritional standards in compliance with the USADA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition guidance.

R.C. 3313.81, 3313.811-815
A.C. 3301-91; 7 CFR 210, 215, 220, 240; 42U.S.C. 1758

Adopted: November 12, 2002
Revised: November 11, 2014

WELLNESS

As required by law, the Governing Board of Education establishes the following wellness policy for the Licking County Educational Service Center (ESC) as a part of a comprehensive wellness initiative.

The Governing Board recognizes that good nutrition and regular physical activity affect the health and well being of the ESC's students. Furthermore, research suggests that there is a positive correlation between a student's health and well being and his/her ability to learn.

The Board, however, believes this effort to support the students' development of healthy behaviors and habits with regard to eating and exercise cannot be accomplished by the schools alone. It will be necessary for not only the staff, but also parents and the public at large to be involved in a community-wide effort to promote, support, and model such healthy behaviors and habits.

The Board sets the following goals in an effort to enable students to establish good health and nutrition habits:

- A. With regard to nutrition education, the ESC shall:
 - 1. have nutrition education included in the Health curriculum so that instruction is sequential, and standards-based (national standards) and provides students with the knowledge, attitudes and skills necessary to lead healthy lives;
 - 2. have instruction related to the standards and benchmarks for nutrition education provided by highly qualified teachers.

- B. With regard to physical activity, the ESC should provide:
 - 1. physical activities for students with opportunities to learn, practice, and be assessed on developmentally appropriate motor skills and social skills, as well as knowledge;
 - 2. conduct physical activities to teach cooperation, fair play, and responsible participation;
 - 3. conduct physical activities in an environment free of embarrassment, humiliation, shaming, taunting, bullying or harassment of any kind;

- C. With regard to other school-based activities the ESC should provide:
 - 1. each school should provide at least thirty (30) minutes daily for students to eat;
 - 2. that students are discouraged from sharing their foods or beverages with one another during meal times, given concerns about allergies and other restrictions on some students' diets.

Furthermore, with the objectives of enhancing student health and well being, and reducing childhood obesity, the following guidelines are established:

- A. In accordance with Policy 8500, entitled Food Service, the food service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages, including but not limited to the USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards, as well as to the fiscal management of the program.
- B. As set forth in Policy 8531, entitled Free and Reduced Price Meals, the guidelines for reimbursable school meals are not less restrictive than the guidelines issued by the U.S. Department of Agriculture (USDA).
- C. All foods available to students in the dining area during school food service hours shall comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards, including competitive foods available to students a la carte or from vending machines.
- D. The sale of foods of minimal nutritional value in the food service area during lunch period is prohibited, which is determined by the USDA Guidelines mentioned above.

The Board designates the program directors/supervisors as the individual(s) charged with operational responsibility for measuring and evaluating the ESC's implementation and progress under this policy.

The Superintendent shall report periodically on the ESC's compliance with this policy and the progress toward achieving the goals set forth herein when requested to do so by the Board.

Review of this policy shall occur periodically, by a committee appointed by the Superintendent, consisting of a representative(s) of the administration, the staff, the students and parents. This committee is a part of the Superintendent's Advisory Committee. The committee shall provide the Board with any recommended changes to this policy.

42 U.S.C. 1751, Sec.204
42 U.S.C. 1771

Adopted: July 7, 2006
Revised: July 11, 2017

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TRANSPORTATION

It is the policy of the Governing Board to assist in the capacity of an ESC in duties aligned with determining In-Lieu Transportation for those students whose distance from their school makes this service necessary within the limitations established by State law. Such laws and rules shall govern any question not covered by this policy.

School buses shall be purchased, housed, and maintained or contracted to a private transportation organization by the Local Board for the transportation of resident, kindergarten through eighth grade, students between their home areas and the schools of the District to which they are assigned or to their nonpublic or community schools.

Transportation of eligible vocational or special education children between their home areas and schools outside the District shall be arranged through the use of Board-owned vehicles, through cooperation with other districts, through commercial carriers, and/or by other means in the most efficient and economical manner.

Transportation to and from school shall be provided for each (K-8th grades) student residing in the District and attending a State-chartered nonpublic and /or community school that is located within the thirty (30) minute travel limitation established by State law on the same basis as established for resident students as set forth above. Chartered nonpublic school students who are transported by the Board may be assigned to ride on buses upon which resident students are also assigned.

Transportation of eligible nonpublic or community school children between their home areas and schools shall be arranged through the use of District-owned vehicles, through cooperation with other districts, through commercial carriers, and/or by other means in the most efficient and economical manner. However, if the Board determines that said transportation is impracticable, then the parent(s) shall be provided payment-in-lieu of transportation at the amount established by State law, unless otherwise directed by action of the State Board of Education.

Students meeting the Federal definition of "homeless" will be transported from their temporary place of residence to their school of assignment, at the request of the parent, guardian or unaccompanied minor, to the same extent as all other students of the District and consistent with this Policy. If the homeless student's temporary residence is located outside the boundaries of the District, the Liaison for Homeless Children will coordinate with the Director of Transportation to contact the district in which the student temporarily resides to arrange for joint transportation of the student and to seek inter-district agreement on a method for apportioning the cost of such joint transportation. In no event will a homeless student be denied enrollment based on issues related to student transportation.

The Superintendent shall be responsible for developing and implementing appropriate administrative guidelines for this policy.

R.C. 3313.66, 3319.41, 3327.01 et seq., 4511.01 (F)

R.C. 4511.75 et seq.

A.C. 3301-51-10, 3301-83-01 et seq., 3301-83-08

42 U.S.C. 11431 et seq.

Adopted: January 11, 2005

Revised: March 8, 2011

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BUS DRIVER CERTIFICATION

It is the policy of the Governing Board that all bus drivers in its participating schools obtain and hold proper certification under standards for school bus drivers established within the Ohio Revised Code. It is also the purpose of this Board to protect students in its jurisdiction from drivers whose certification is invalidated by the Ohio Point Law or point standards of this Educational Service Center.

The Center may continue to perform the bus driver certification if the District so desires. It is also permissible for the district to perform this process if they so desire following passage of HB59. Districts must notify the ESC if they plan to have the Center perform such duties by March 1 of each year because of the timing of the physicals and certification timeline with ODE. Therefore the following procedures are to be followed if the ESC is to perform such duties.

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

- A. no more than six (6) points within the last twenty-four (24) month period;
- B. not been convicted of driving while under the influence of alcohol and/or a controlled substance during the past six (6) years; and
- C. not received two (2) or more of the following serious traffic violations as defined in R.C.4506.01 (DD) (1) through (DD)(7) during the last twenty-four (24) month period.
 1. a single charge of any speed in excess of the posted speed limit by fifteen (15) miles per hour or more;
 2. violation of R.C. 4511.20 (i.e., operation in willful or wanton disregard of the safety of persons or property) or R.C. 45.11.201 (i.e., operation off street or highway in willful or wanton disregard of the safety of persons or property) or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;
 3. violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;
 4. violation of R.C. 4506.03 (i.e., commercial driver's license or temporary instruction requirements) or a substantially similar municipal ordinance or county or township resolution, or any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated for the passengers or type of cargo being transported;
 5. violation of R.C. 4511.33 (i.e., driving in marked lanes) or 4511.34 (i.e., space between moving vehicles) or any municipal ordinance or county or township resolution substantially similar to either of those sections, or any substantially similar law of another state or political subdivision of another state;

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6. violation of any other law of this state or ordinance or resolution relating to traffic control, other than a parking violation, that is determined to be a serious traffic violation by the United States Secretary of Transportation and the Director designates such by rule;
7. no railroad crossing violations during the last year (i.e., twelve (12) month period; and
8. not received any violations that render the bus driver uninsurable by the Center/District Fleet Insurance Carrier.

A driver convicted of a traffic violation which has an assessment of six (6) points (Motor Vehicles Laws of Ohio - Six Point Violations), or a driver accumulating more than six (6) points by four (4) or two (2) point violations, will be notified that his/her school bus certification will be reviewed by the participating district's Superintendent and his/her employment as a school bus driver may be terminated. A driver involved in a preventable school bus accident, or judged guilty of a minor traffic violation, shall be subject to the disciplinary action established in the local Superintendent's administrative guidelines.

The Educational Service Center (ESC) will collaboratively plan and help implement (if districts so desire) bus driver inservice to emphasize the current laws regulating bus driver certification and current safety concerns for bus driving.

The Educational Service Center Governing Board shall be presented with a physician's name to approve for bus driver annual physicals. The ESC shall pay for one exam per driver per year for drivers of board owned buses. The amount of such approved physical shall be set yearly. If a local district desires to use a different physician, the district will need to present such physician prior to the May schedule each year. If the district decides to use the alternative physician, only up to the amount approved for the ESC approved physician will be reimbursed for such physicals to the local district.

In addition to the required driving record check, the administrator in charge of transportation shall obtain a satisfactory BCII report prior to hiring an individual as a new school bus driver, along with an FBI background check. An updated, satisfactory BCII and FBI report shall be obtained for each school bus driver every six (6) years with driver re-certification. Satisfactory shall be defined by the same standards applied to other public school employees. Such records shall also be maintained for a minimum of six (6) years (see policy 4121 for criminal history record check requirements). Hand delivered copies of BCII/FBI will no longer be accepted unless they contain raised seals from the agency where they were completed.

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

R.C. 3327.10, 3327.01 et seq., 4511.01(F), 4511.75 et seq. R.C. 4511.19
A.C. 3301-51-10, 3301-83-01 et seq., 3301-83-05, 3301-83-06 A.C. 3301-83-07

Adopted: November 17, 1998
Revised: December 10, 2013

TRANSPORTATION FOR FIELD TRIPS

It shall be the policy of the Board of Education to use regular or special-purpose school vehicles for transportation on field and other District-sponsored trips.

The transportation for all trips is to be by vehicles owned by the District and driven by approved drivers. Exceptions must have the approval of the Board.

Approval of transportation requests will be given on a first come basis. Transportation may be limited by the availability of vehicles, drivers, and scheduling and will not be available when needed for general school purposes.

Members of the staff or of the sponsoring organization shall be responsible for providing supervision on trips. At least one (1) sponsor, chaperone, or staff member is required to ride in each vehicle whenever students ride as well as to supervise students upon return to school and while they are waiting for rides home.

All students are expected to ride the school vehicle to and from each activity. A special request must be made to the staff member or sponsor by the parent in writing to allow an exception. Exceptions will only be granted if the student will ride with the parent or other adult.

No student is allowed to drive on any trip. An exception may be made by the principal/director on an individual basis provided the student has parental permission in writing and does not transport any other student.

R.C. 3327.08, 3327.13, 3327.14, 3327.013

A.C. 3301-81-16

Adopted: January 11, 2005

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INCIDENTAL TRANSPORTATION BY PRIVATE VEHICLE

The Governing Board authorizes the incidental transportation by private vehicle of students of the Educational Service Center (ESC). This includes occasional transportation for field trips, outings, and the like. Routine transportation, however, shall be subject to all requirements listed in A.C. 3301-83-19 and relevant administrative procedures and guidelines.

This policy does not apply to parents who privately arrange transportation for their own children. No Center staff shall organize such arrangements or assist parents in doing so.

Any such incidental transportation must be approved in advance and in writing by the program supervisor/director. The writing must include the following guideline components:

- A. the date, time, and reason for the transportation;
- B. the places from and to which students will be transported;
- C. the name of the driver; the signature of the driver;
- D. the number of the driver's license to operate a motor vehicle in the State of Ohio;
- E. the names of the students to be transported;
- F. a brief description of the transportation vehicle and who owns it; and
- G. the name of the insurance carrier for the vehicle.

The parent of the participating student will be given, upon request, the name of the driver, the owner of the vehicle, and the description of the vehicle. The ESC will maintain on file the amount of the liability insurance on the vehicle and the name of the insurance company.

No person shall be approved for the incidental transportation of students in a private vehicle who is not an employee of this Board, an approved volunteer, or the parent of a student enrolled in this ESC and the holder of a currently valid license to operate a motor vehicle in the State of Ohio. The Superintendent shall withdraw the authorization of any private vehicle driver who fails to maintain the required amount of automobile liability insurance.

No person, who is not the holder of automobile liability and personal injury insurance in the amount required by Ohio administrative code, shall be permitted to transport students.

Any private vehicle used for the incidental transportation of students must be owned by the approved driver or the spouse of the approved driver and must conform to registration requirements of the State.

The responsibility of professional staff members for the discipline and control of transporting students will extend to their incidental transportation of students in a private vehicle. Drivers who are not professional staff members are requested to report student misconduct to the administrator.

The responsibility of professional staff members for the discipline and control of students will extend to their transportation of students in a private vehicle. Drivers who are not professional staff members are required to report student misconduct to the program supervisor/director.

Adopted: December 14, 1999

Revised: December 9, 2014

PROPERTY INSURANCE

The Board of Education recognizes its responsibility to keep all insurable property of this School District, real and personal, insured for its replacement value against loss or damage as set forth in a comprehensive business policy.

The Board shall invite sealed bids for buildings and contents insurance and may reject any or all bids received. In placing the insurance coverage, the Board shall be guided by:

- A. the price of such coverage
- B. the ability of the insurer to meet prescribed obligations promptly and fully
- C. the reputation and past performance of the agent of the insurer.

Adopted: January 11, 2005

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BONDING

The Governing Board recognizes that prudent trusteeship of the resources of this Educational Service Center (ESC) dictate that employees responsible for the safekeeping of ESC monies be bonded.

The ESC shall be indemnified against loss of money by bonding of employees holding the positions and in the amounts determined by the Board.

All other employees handling money shall be covered under a blanket bond to an amount determined by the Board.

The Board shall bear the cost of bonding each employee required to be bonded by this policy.

R.C. 3313.25, 3313.83, 5705.412

Adopted: December 14, 1999

Revised:

LIABILITY INSURANCE

The Board of Education recognizes the risks it faces in the ordinary course of conducting a school program and chooses to insure itself against certain liabilities as a result of said risks.

The Board shall, in accordance with law, insure its employees against injury or death resulting in the course of their employment and chooses also to insure members of the Board and volunteers of the District against liability for damages for death, injury to person, or damage or loss of property caused by the negligent act or omission of the member, employee, or volunteer when acting within the scope of his/her office or employment and procure liability and property damage insurance covering each school bus or motor vehicle according to law.

R.C. 9.83, 2305.231, 3313.201, 3313.203, 3327.09

Adopted: January 11, 2005

Policy

BOARD OF EDUCATION
LICKING COUNTY EDUCATIONAL SERVICE CENTER

OPERATIONS
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RELIGIOUS/PATRIOTIC CEREMONIES AND OBSERVANCES

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

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

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

Furthermore, the Board requires that an observance be scheduled each year on or about Veterans Day to convey the meaning and significance of that day to all students and staff.

Professional staff members are authorized to lead students in the Pledge of Allegiance each school day as appropriate. However, no student shall be compelled to participate in the reciting of the Pledge. The Superintendent shall develop administrative guidelines which ensure that any staff member who conducts this activity does it at an appropriate time, in an appropriate manner, and with due regard to the need to protect the rights and the privacy of a non-participating student.

Centers are required to hold an educational program pertaining to the United States Constitution on September 17th of each year, Constitution Day. Whenever September 17th falls on a Saturday, Sunday, or holiday, the Constitution Day observance shall be held during the preceding or following week.

R.C. 3313.601, 3313.602, 3313.76, 3313.77

20 U.S.C. 4071 et seq., Gregoire vs. Centennial School District 907 F.2d 1366, (3rd Circuit, 1990)
Lee vs. Weisman, 112 S. Ct. 2649, 120 L. Ed.2d 467 (1992)

Adopted: January 11, 2005

Revised: February 12, 2013

ANTI-FRAUD

The Governing Board expects all its employees to be honest and ethical in their conduct and to refrain from engaging in activities which may be fraudulent, illegal, or otherwise unethical. The Educational Service Center will not tolerate such activities, and will investigate claims of suspected fraud or fraudulent activity and implement appropriate disciplinary measures, when necessary.

Scope

This policy applies to any fraud, or suspected fraud, involving employees, consultants, vendors, contractors, outside agencies and employees of such agencies, and any other parties having a business relationship with the Center.

Policy

Fraud and fraudulent activity are strictly prohibited.

Each employee or agent of the Center shall be responsible for reporting any observed or suspected fraud or fraudulent activity to his/her immediate supervisor. If the employee's immediate supervisor is not available, responsive, or is the employee whose behavior is in question, the employee may report such information to the Superintendent. If the reported conduct relates to the Superintendent, the report may then be filed directly with the Board President.

All administrators shall attempt to investigate and verify any conduct that appears to constitute fraud within the areas of their responsibility.

All reporting and investigation shall be done in accordance with the Center's Whistleblower's AG 1411 (see also AG 3211 and AG 4211).

In addition to or instead of filing a written report with the supervisor or other Center authority, the employee may file a report using the Auditor of State's system for reporting fraud in accordance with Ohio law.

Notification

The Center shall provide information about the Ohio fraud-reporting system and the means of reporting fraud to each new employee at the time of his/her employment. Each new employee shall confirm receipt of such information within thirty (30) days of beginning employment.

Fraud – Definitions

"Fraud" is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his/her injury. For purposes of this policy, fraud includes the misuse and/or misappropriation of public money by any Board employee, member or official, or any Office or Department of the Center.

The following are examples of prohibited acts:

- A. falsification of any Center record (particularly financial records) with the intent to conceal information to the Center's detriment or the individual's advantage
- B. forgery of a check, bank draft, wire transfer, or any other Center financial document
- C. unauthorized alteration of a financial document or account belonging to the Center
- D. disclosing confidential and proprietary information to outside parties for personal gain (either directly or indirectly)
- E. asking for or accepting anything of material value from contractors, vendors, or persons providing services or materials to the Center, except as provided in gift policies
- F. unauthorized destruction, removal, or use of records, furniture, fixtures and/or equipment for personal gain (either directly or indirectly)

This list is meant to illustrate the types of activities that are prohibited. It is not comprehensive. Other misconduct of a similar nature is prohibited.

Confidentiality

The Center will maintain confidentiality with regard to the reports of suspected misconduct and the investigation, to the extent consistent with the conduct of an appropriate investigation and its obligations under the Public Records Act. However, absolute confidentiality for reporting witnesses and investigation results cannot be guaranteed.

Except as authorized by the Superintendent or his/her designee, the reporting witness and others interviewed are not to discuss the allegations or investigation with other Center employees or officials, vendors or contractors. Such discussions may interfere with the investigation. Further, because of the nature of the alleged misconduct, unsubstantiated allegations that are not privileged could harm an innocent individual's reputation and result in potential civil liability.

Non-Retaliation

Those who, in good faith, report suspected fraudulent activity will not be subject to any retaliation as a result of bringing the suspected misconduct forward. They will be subject to protection of the Center's Whistleblower's Policy 1411 (see also Policy 3211 and Policy 4211).

Adopted: January 8, 2013

Revised: