

SECTION A: FOUNDATIONS AND BASIC COMMITMENTS

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ABB*	Staff Involvement in Decision Making (Also GBB)
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* denotes areas covered by Board policy

ESC LEGAL STATUS

Name

The Board of this ESC shall be known officially as the Educational Service Center of Medina County. The Board is elected and serves the following school districts: Black River, Buckeye Local, Cloverleaf Local and Highland Local, Brunswick City, Medina City, Wadsworth City and the Medina County Career Center.

Boundaries

The ESC has been comprised of all the territory within the territorial limits of Medina County, as well as portions of Ashland, Lorain and Summit Counties, exclusive of the territory embraced in any city school district and excluding the territory detached there from for school purposes and including the territory attached thereto for school purposes.

Address

The official address of the Educational Service Center of Medina County and the permanent headquarters of its Superintendent shall be 124 W. Washington Street, Medina, Ohio 44256.

Fiscal Government

This Board, in accordance with law, has declared itself to be its own Board in fiscal matters effective January 1, 1976.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

[Re-adoption date: April 24, 2017]

LEGAL REFS.: U.S. Const. Amend. X
Ohio Const. Art. VI, 2; 3; 4
ORC Chapter 3311.01

COMMUNITY INVOLVEMENT IN DECISION MAKING

Community participation in the schools is essential to promote and maintain the quality of education for all students.

In addition to electing fellow citizens to represent them on the Board, all citizens may express ideas, concerns and judgments about the schools to the administration, to the staff, to any appointed advisory bodies and ultimately to the Board. Ideas should be addressed to the responsible individual in an appropriate fashion.

Residents may be invited by the Board to act as advisors, individually and in groups. The Board gives consideration to the advice it receives from individuals and community groups. Final authority for all decisions rests with the Board.

[Adoption date: September 26, 2011]

LEGAL REFS.: ORC 121.22
OAC 3301-35-04

CROSS REFS.: AD, Development of Mission Statement
AFA, Evaluation of Board Operational Procedures (Also BK)
BCE, Board Committees
BCFA, Business Advisory Committee to the Board
IF, Courses of Study Development

STAFF INVOLVEMENT IN DECISION MAKING

The Educational Service Center involves the efforts of many people and functions best when all personnel are informed of the ESC's major activities and concerns. The ESC maintains an environment that supports personal and organizational performance excellence by allowing all employees the opportunity to develop and use their full potential to achieve ESC goals and objectives.

There should be an exchange of ideas and pertinent information among all elements of the ESC. Morale is enhanced when employees are assured that their voices are willingly heard by those in positions of authority.

Employees are mandated to proceed through the recognized administrative channels; however, final authority for all decisions rests with the Board.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REF.: OAC 3301-35-05

CROSS REFS.: AD, Development of Mission Statement
BCE, Board Committees
BCF, Advisory Committees to the Board
CCB, Staff Relations and Lines of Authority
CE, Administrative Councils, Cabinets and Committees
DBD, Budget Planning
GCD, Certified Staff Hiring
GDD, Classified Staff Hiring
IF, Curriculum Development

NONDISCRIMINATION

The Board's policy of nondiscrimination extends to students, staff, job applicants, the general public and individuals with whom it does business and applies to race, color, national origin, ancestry, citizenship status, religion, sex, economic status, age, disability or military status.

The Board does not discriminate on the basis of legally acquired genetic information.

The Board does not permit discriminatory practices and views harassment as a form of discrimination. Harassment is defined as intimidation by threats of or actual physical violence; the creation, by whatever means including the use of electronic communications devices, of a climate of hostility or intimidation; or the use of language, conduct or symbols in such a manner as to be commonly understood to convey hatred, contempt or prejudice or to have the effect of insulting or stigmatizing an individual.

Employees or students who engage in discrimination of another employee or student shall be subject to disciplinary action.

Permission, consent or assumption of risk by an individual subjected to discrimination does not lessen the prohibition contained in this policy.

No one shall retaliate against an employee or student because he/she files a grievance; assists or participates in an investigation, proceeding or hearing regarding the charge of discrimination of an individual; or because he/she has opposed language or conduct that violates this policy.

The Board designates the following individual to serve as the ESC's compliance officer/civil rights coordinator:

Title: Superintendent
Address: 124 W. Washington St. Medina, OH 44256
Phone number: 330-723-6393 x158
Email: Complianceofficer@medinaesc.org

The name, title, and contact information of this individual is annually published in ESC handbooks and on the ESC website. The Board has adopted separate policies and procedures for sexual harassment, including the identification of a Title IX Coordinator. All sexual harassment reports must be managed in accordance with the sexual harassment policy and procedure.

The compliance officer is responsible for coordinating the ESC's efforts to comply with applicable Federal and State laws and regulations, including the ESC's duty to address any inquiries or complaints regarding discrimination/retaliation or denial of equal access in a prompt and equitable manner.

Reports and Complaints of Unlawful Discrimination/Harassment

All persons associated with the ESC, including, but not limited to, the Board, administration, staff, students and third parties are encouraged to promptly report incidents of unlawful discrimination/harassment.

The Board has developed complaint procedures, which are made available to every member of the school community. The Board also has identified disciplinary penalties, which may be imposed on the offender(s).

Matters, including the identity of both the charging party and the accused, are kept confidential to the extent possible.

If the Compliance Officer is the subject of the complaint, the matter should be made to the Governing Board.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

[Re-adoption date: April 24, 2017]

[Re-adoption date: October 26, 2020]

LEGAL REFS.: Civil Rights Act, Title VI; 42 USC 2000d et seq.
Civil Rights Act, (Amended 1972), Title VII; 42 USC 2000e et seq.
Education Amendments of 1972, Title IX; 20 USC 1681 et seq.
Executive Order 11246, as amended by Executive Order 11375 Equal Pay Act; 29 USC 206
Genetic Information Nondiscrimination Act of 2008; 42 USC 2000ff et seq.
Rehabilitation Act; 29 USC 794
Individuals with Disabilities Education Act; 20 USC 1400 et seq. Age Discrimination in Employment Act; 29 USC 623
Immigration Reform and Control Act; 8 USC 1324a et seq.
Americans with Disabilities Act Amendments Act of 2008; 42 USC 12101 et seq.
Ohio Const. Art. I, Section 2
ORC Chapter 3323
Chapter 4112
OAC 3301-35-02

CROSS REFS.: ACA, Nondiscrimination on the Basis of Sex
ACAA, Sexual Harassment
ACB, Nondiscrimination on the Basis of Disability
EDE, Computer/Online Services (Acceptable Use and Internet Safety)
GBA, Equal Opportunity Employment GBO,
Verification of Employment
Eligibility IGAB, Human Relations
Education
IGBA, Programs for Students with
Disabilities JB, Equal Educational
Opportunities
JFC, Student Conduct (Zero Tolerance)
JFCEA, Gangs
JFCF, Hazing and Bullying (Harassment, Intimidation and Dating Violence)
Staff Handbooks
Student Handbooks

NONDISCRIMINATION ON THE BASIS OF SEX

The U.S. Department of Education has published regulations for implementing Title IX of the Education Amendments of 1972, which prohibits sex discrimination in federally assisted education programs.

Title IX states, in part: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

The Board ensures compliance with Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964 and the regulations promulgated through the U.S. Department of Education.

[Adoption date: December 7, 1996]
[Re-adoption date: October 29, 2007]
[Re-adoption date: September 26, 2011]
[Re-adoption date: April 24, 2017]
[Re-adoption date: June 25, 2018]
[Re-adoption date: October 26, 2020]

LEGAL REFS.: Civil Rights Act, Title VI; 42 USC 2000d et seq.
Civil Rights Act, Title VII; 42 USC 2000e et seq.
Education Amendments of 1972, Title IX; 20 USC 1681 et seq.
Executive Order 11246, as amended by Executive Order 11375
Equal Pay Act; 29 USC 206
Ohio Const. Art. I, Section 2
ORC Chapter 4112

CROSS REFS.: AC, Nondiscrimination
ACAA, Sexual Harassment
ACB, Nondiscrimination of the Basis of Disability
GBA, Equal Opportunity Employment
IGDJ, Interscholastic Athletics
IIAA, Textbook Selection and Adoption
JB, Equal Educational Opportunities
JFC, Student Conduct (Zero Tolerance)
JFCF, Hazing and Bullying (Harassment, Intimidation and Dating Violence)
Staff Handbooks
Student Handbooks

SEXUAL HARASSMENT

The Educational Service Center does not discriminate on the basis of sex in any education program or activity that it operates, including admission and employment. The Educational Service Center is required by Title IX of the Education Amendments of 1972 and the regulations promulgated through the U.S. Department of Education not to discriminate in such a manner. Inquiries about the application of Title IX to the Educational Service Center may be referred to the Educational Service Center's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both.

The Board designates the following individual to serve as the Educational Service Center's Title IX Coordinator:

Title: Superintendent
Office address: 124 W. Washington St. Medina, OH 44256
Email: Complianceoffice@medinaesc.org
Phone number: 330-723-6393 x158

Any person may report sex discrimination, including sexual harassment, at any time, including during non-business hours. Such a report may be made in person, by mail, by telephone or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

For purposes of this policy and the grievance process, "sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. A Educational Service Center employee conditioning the provision of an aid, benefit, or service of the Educational Service Center on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the Educational Service Center's education program or activity or
3. "Sexual assault" as defined in 20 USC 1092(f)(6)(A)(v), "dating violence" as defined in 34 USC 12291(a)(10), "domestic violence" as defined in 34 USC 12291(a)(8) or "stalking" as defined in 34 USC 12291(a)(30).

When the harassment or discrimination on the basis of sex does not meet the definition of sexual harassment, the Title IX Coordinator directs the individual to the applicable sex discrimination process for investigation.

Retaliation Prohibited

The Educational Service Center prohibits intimidation, threats, coercion or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation proceeding or hearing, if applicable. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

Confidentiality

The Educational Service Center must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any individual who has been alleged to be the victim or perpetrator of conduct that could constitute sexual harassment, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA) or as required by law, or to carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing or judicial proceeding arising thereunder.

Notice Requirements

The Educational Service Center provides notice to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees and the union(s) with the name or title, office address, email address and telephone number of the Title IX Coordinator and notice of the Educational Service Center grievance procedures and process, including how to report or file a complaint of sex discrimination, how to file a formal complaint of sexual harassment and how the Educational Service Center will respond. The Educational Service Center also posts the Title IX Coordinator's contact information and Title IX policies and procedures in a prominent location on the Educational Service Center website and in all handbooks made available by the Educational Service Center.

Training Requirements

The Educational Service Center ensures that Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process, receives training on the definition of sexual harassment, the scope of the Educational Service Center's education program or activity, how to conduct an investigation and grievance process including hearings, appeals and informal resolution processes, when applicable, and how to serve impartially including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. The

Educational Service Center also ensures that decision-makers and investigators receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as set forth in the formal procedures that follow, and training on any technology to be used at a live hearing, if applicable. Investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. All materials used to train individuals who receive training under this section must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment and are made publicly available on the Educational Service Center's website.

Conflict of Interest and Bias

The Educational Service Center ensures that Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process do not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Determination of Responsibility

The individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment is presumed not responsible for alleged conduct. A determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation in accordance with the process outlined in the accompanying regulation. No disciplinary sanctions will be imposed unless and until a final determination of responsibility is reached.

[Adoption date: December 7, 1996]

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LEGAL REFS.: Civil Rights Act, Title VI; 42 USC 2000d et seq.
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Education Amendments of 1972, Title IX; 20 USC 1681 et seq.
Executive Order 11246, as amended by Executive Order 11375
Equal Pay Act; 29 USC 206
Ohio Const. Art. I, Section 2
ORC Chapter 4112
34 CFR part 106

CROSS REFS.: AC, Nondiscrimination
GBA, Equal Opportunity Employment
GBD, Board-Staff Communications (Also BG)
GBH, Staff-Student Relations (Also JM)
GCPD, Suspension and Termination of Professional Staff Members
GDPD, Suspension, Demotion and Termination of Support Staff Members
IGDJ, Interscholastic Athletics
JB, Equal Educational Opportunities
JEGA, Permanent Exclusion
JFC, Student Conduct (Zero Tolerance)
JFCF, Hazing and Bullying (Harassment, Intimidation and Dating Violence)
JG, Student Discipline
JGD, Student Suspension
JGE, Student Expulsion
JHG, Reporting Child Abuse
KLD, Public Complaints about District Personnel
Staff Handbooks
Student Handbooks

SEXUAL HARASSMENT GRIEVANCE PROCESS

The Board requires the following grievance process to be followed for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited as sexual harassment by Title IX. The Board directs the process to be published in accordance with all statutory and regulatory requirements.

Definitions

The following definitions apply for Title IX policies and procedures:

“Actual knowledge:” notice of sexual harassment or allegations of sexual harassment to the Educational Service Center’s Title IX Coordinator or any official of the Educational Service Center who has authority to institute corrective measures on behalf of the Educational Service Center, or to any employee of an elementary or secondary school.

“Education program or activity:” includes locations, events or circumstances over which the Educational Service Center exercised substantial control over both the individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, and the context in which the sexual harassment occurs.

“Complainant:” an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Respondent:” an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Formal complaint:” a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the Educational Service Center investigate the allegation of sexual harassment.

“Supportive measures:” non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available and without fee or charge to the Complainant or Respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Educational Service Center Requirements

When the Educational Service Center has actual knowledge of sexual harassment in an education program or activity of the Educational Service Center, the Educational Service Center will respond promptly in a manner that is not deliberately indifferent. When the harassment or discrimination on the basis of sex does not meet the definition of sexual harassment, the Title IX Coordinator will direct the individual to the applicable sex discrimination process for investigation.

The Educational Service Center treats individuals who are alleged to be the victim (Complainant) and perpetrator (Respondent) of conduct that could constitute sexual harassment equitably by offering supportive measures. Supportive measures are designed to restore or preserve equal access to the Educational Service Center's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Educational Service Center's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, leaves of absence, increased security and monitoring of certain areas of the Educational Service Center's property, campus escort services, changes in work locations and other similar measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Upon the receipt of a complaint, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint. If the Educational Service Center does not provide the Complainant with supportive measures, then the Educational Service Center must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Timelines

The Educational Service Center has established reasonably prompt time frames for the conclusion of the grievance process, including time frames for filing and resolving appeals and informal resolution processes. The grievance process may be temporarily delayed or extended for good cause. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. In the event the grievance process is temporarily delayed for good cause, the Educational Service Center will provide written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.

Response to a Formal Complaint

At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the Educational Service Center with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or other means designated by the Educational Service Center.

The Educational Service Center must follow the formal complaint process before the imposition of any disciplinary sanctions or other actions that are not supportive measures. However, nothing in this policy precludes the Educational Service Center from removing a Respondent from the Educational Service Center's education program or activity on an emergency basis, provided that the Educational Service Center undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. Nor does it preclude the Educational Service Center from placing a nonstudent employee Respondent on administrative leave during the pendency of the grievance process. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Upon receipt of a formal complaint, the Educational Service Center must provide written notice to the known parties including:

1. Notice of the allegations of sexual harassment, including information about the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, the date and location of the alleged incident, and any sufficient details known at the time. Such notice must be provided with sufficient time to prepare a response before any initial interview;
2. An explanation of the Educational Service Center's investigation procedures, including any informal resolution process;
3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation;
4. Notice to the parties that they may have an advisor of their choice who may be, but is not required to be, an attorney, and may inspect and review any evidence and
5. Notice to the parties of any provision in the Educational Service Center's code of conduct or policy that prohibits knowingly making false statements or knowingly submitting false information.

If, in the course of an investigation, the Educational Service Center decides to investigate allegations about the Complainant or Respondent that are not included in the notice initially provided, notice of the additional allegations must be provided to known parties.

The Educational Service Center may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Investigation of a Formal Complaint

When investigating a formal complaint and throughout the grievance process, the Educational Service Center must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the Educational Service Center and not the parties’;
2. Provide an equal opportunity for the parties to present witnesses and evidence;
3. Not restrict either party’s ability to discuss the allegations under investigation or to gather and present relevant evidence;
4. Allow the parties to be accompanied with an advisor of the party’s choice who may be, but is not required to be, an attorney. The Educational Service Center may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
5. Provide written notice of the date, time, location, participants, and purpose of any interview or meeting at which a party is expected to participate, with sufficient time for the party to prepare to participate;
6. Provide the parties equal access to review all the evidence collected which is directly related to the allegations raised in a formal complaint and comply with the review periods outlined in this process;
7. Objectively evaluate all relevant evidence without relying on sex stereotypes;
8. Ensure that Title IX Coordinators, investigators, decision-makers and individuals who facilitate an informal resolution process, do not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;

9. Not make creditability determinations based on the individual's status as Complainant, Respondent or witness;
10. Not use questions or evidence that constitute or seek disclosure of privileged information unless waived.

Dismissal of Formal Complaints

If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the Educational Service Center's education program or activity, or did not occur against a person in the United States, then the Educational Service Center must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under this policy.

The Title IX Coordinator also may dismiss the formal complaint or any allegations therein at any time during the investigation or hearing, if applicable, when any of the following apply:

1. a Complainant provides written notification to the Title IX Coordinator that the Complainant would like to withdraw the formal complaint or any allegations therein;
2. the Respondent is no longer enrolled or employed by the Educational Service Center or
3. specific circumstances prevent the Educational Service Center from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal, the Title IX Coordinator promptly sends written notice of the dismissal and the reasons for dismissal simultaneously to both parties.

Evidence Review

The Educational Service Center provides both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. The evidence provided by the Educational Service Center must include evidence that is directly related to the allegations in the formal complaint, evidence upon which the Educational Service Center does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or other source. Prior to completion of the investigative report, the Title IX Coordinator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties have 10 calendar days to submit a written response to the Title IX Coordinator, which the investigator will consider prior to completion of the investigative report.

Investigative Report

The investigator must prepare an investigative report that fairly summarizes relevant evidence and send the report to the Title IX Coordinator. The Title IX Coordinator must send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. The parties have 10 calendar days to submit a written response to the Title IX Coordinator.

Decision-Maker's Determination

The investigative report is submitted to the decision-maker. The decision-maker cannot be the same person(s) as the Title IX Coordinator or the investigator. The decision-maker cannot hold a hearing or make a determination regarding responsibility until 10 calendar days from the date the Complainant and Respondent receive the investigator's report.

Prior to reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Questions must be submitted to the Title IX Coordinator within three calendar days from the date the Complainant and Respondent receive the investigator's report.

The decision-maker must issue a written determination regarding responsibility based on a preponderance of the evidence standard. The decision-maker's written determination must:

1. Identify the allegations potentially constituting sexual harassment;
2. Describe the procedural steps taken, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Include the findings of fact supporting the determination;
4. Draw conclusions regarding the application of any Educational Service Center policies and/or code of conduct rules to the facts;
5. Address each allegation and a resolution of the complaint including a determination regarding responsibility, the rationale therefor, any recommended disciplinary sanction(s) imposed on the Respondent, and whether remedies designed to restore or preserve access to

the educational program or activity will be provided by the Educational Service Center to the Complainant and

6. The procedures and permissible bases for the Complainant and/or Respondent to appeal the determination.
7. A copy of the written determination must be provided to both parties simultaneously, and generally will be provided within 60 calendar days from the Educational Service Center's receipt of a formal complaint.
8. The determination regarding responsibility becomes final either on the date that the Educational Service Center provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Where a determination of responsibility for sexual harassment has been made against the Respondent, the Educational Service Center will provide remedies to the Complainant that are designed to restore or preserve equal access to the Educational Service Center's education program or activity. Such remedies may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. The Title IX Coordinator is responsible for effective implementation of any remedies. Following any determination of responsibility, the Educational Service Center may implement disciplinary sanctions in accordance with State or Federal law and or/the negotiated agreement. For students, the sanctions may include disciplinary action, up to and including permanent exclusion. For employees, the sanctions may include any form of responsive discipline, up to and including termination.

Appeals

Either the Complainant or Respondent may appeal the decision-maker's determination regarding responsibility or a dismissal of a formal complaint, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time that could affect the outcome and
3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent that affected the outcome.

The request to appeal must be made in writing to the Title IX Coordinator within seven calendar days after the date of the written determination. The appeal decision-maker must not have a

conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent and cannot be the Title IX Coordinator, the investigator, or the decision-maker from the original determination.

The appeal decision-maker must notify the other party in writing when an appeal is filed and give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging, the outcome. After reviewing the evidence, the appeal decision-maker must issue a written decision describing the result of the appeal and the rationale for the result. The decision must be provided to both parties simultaneously, and generally will be provided within 10 calendar days from the date the appeal is filed.

Informal resolution process

Except when concerning allegations that an employee sexually harassed a student, at any time during the formal complaint process and prior to reaching a determination regarding responsibility, the Educational Service Center may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility, provided that the Educational Service Center:

1. Provides to the parties a written notice disclosing:
 - A. The allegations;
 - B. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint and
 - C. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process.

The informal resolution process generally will be completed within 30 calendar days, unless the parties and the Title IX Coordinator mutually agree to temporarily delay or extend the process. The formal grievance process timelines are stayed during the parties' participation in the informal resolution process. If the parties do not reach resolution through the informal resolution process, the parties will resume the formal complaint grievance process, including timelines for resolution, at the point they left off.

The Educational Service Center must maintain for a period of seven years records of:

1. Each sexual harassment investigation, including any determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the Educational Service Center's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Educational Service Center must make these training materials publicly available on its website.

The Educational Service Center must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the Educational Service Center must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Educational Service Center's education program or activity.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

[Re-adoption date: April 24, 2017]

[Re-adoption date: June 25, 2018]

Re-adoption date: October 26, 2020]

NONDISCRIMINATION ON THE BASIS OF DISABILITY

The Board maintains that discrimination against a qualified person with a disability solely on the basis of disability is unfair. To the extent possible, a qualified person with a disability should be in the mainstream of life in a school community. In addition, the ESC is the recipient of federal funds and therefore must be in compliance with all laws and regulations, which deal with individuals with disabilities.

Accordingly, employees of the ESC will comply with the law and Board policy to ensure nondiscrimination on the basis of disability. The following will be expected.

1. No one will discriminate against qualified persons with a disability in any aspect of school employment solely on the basis of disability.
2. Facilities, programs and activities will be made available to qualified persons with a disability.
3. Each qualified person with a disability will be provided with the same health, welfare and other social services which are provided to others.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: Individuals with Disabilities Education Act; 20 USC 1400 et seq.
Rehabilitation Act of 1973; 29 USC 794
Americans with Disabilities Act Amendments Act of 2008; 42 USC 12101 et seq.
ORC Chapter 2917.11
Chapter 3323
Chapter 4112

CROSS REFS.: AC, Nondiscrimination/Harassment
ACA, Nondiscrimination on the Basis of Sex
AE, ESC Goals and Objectives
GBA, Equal Opportunity Employment
IGBA, Programs for Students with Disabilities
JB, Equal Educational Opportunities

NONDISCRIMINATION ON THE BASIS OF DISABILITY

The Board maintains that no otherwise qualified person shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by this Board.

As used in this policy and any implementing regulations, person with a disability means a person who has or had or is regarded or was regarded as having a disabling condition; "disabling condition" means a physical or mental impairment that substantially limits one or more of a person's major life activities and includes specific learning disabilities.

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

Employment

No employee or candidate for employment shall be discriminated against in recruitment, employment, promotion, training or transfer solely because of his/her disabling condition.

No candidate for employment shall be required to answer a question regarding a disabling condition, and no such candidate will be discriminated against on the basis of a disabling condition that is not directly related to the essential function of the position for which he/she has applied.

Reasonable modifications in scheduling and the allocation of duties, not directly affecting the instructional programs, shall be made to accommodate employment conditions to the needs of disabled persons.

Enforcement

The Superintendent or his/her designee shall serve as Section 504 compliance officer. A complaint regarding a violation of law and this policy in an employment decision shall be subject to a grievance procedure that provides for the prompt and equitable resolution of the disputes. The grievance procedure shall follow these steps.

1. The grievant will file a written complaint, stating the specific facts of his/her grievance and the alleged discriminatory act, with the Section 504 compliance officer.
2. The compliance officer shall make all reasonable efforts to resolve the matter informally at the administrative level most immediate to the complaint.

3. In the event the complaint cannot be resolved informally, the compliance officer will convene an informal hearing, no later than 30 calendar days after the filing of the complaint, at which both the grievant and the administrator responsible for the disputed action may present testimony and documents relevant to the complaint. Witnesses may be called and cross-examined. Detailed minutes of the hearing will be made and kept; a copy of the minutes will be made available to each party. Within 30 calendar days of the hearing, the compliance officer will provide a written copy of his/her determination to both parties.
4. The grievant may appeal the determination of the compliance officer to the Board within 30 calendar days of the receipt of the compliance officer's determination. The appeal shall be in writing and attached to copies of the original complaint, the minutes of the hearing, and the written determination of the compliance officer. The Board may, in its discretion, convene a hearing at which the parties may present additional testimony and argument.
5. Within 30 calendar days of the filing of appeal, the Board shall provide both parties with a written decision.

Employees of this ESC shall be informed that a complaint may be filed without reprisal by the Board or any of its employees or agents. The grievant shall be notified by the Board or any of its employees or agents. The grievant shall be notified of his/her rights of appeal at each step of the process, and accommodations to the needs of disabled grievant shall be made. A grievant shall be informed of his/her right to file a formal complaint under Section 504 with or without recourse to the grievance procedure established by this policy.

A complaint regarding the identification, evaluation, classification or educational program of an educationally disabled student shall be governed by due process rules and by the conflict resolutions process established by State and Federal laws.

Evaluation and Compliance

The Board directs the Superintendent or his/her designee to evaluate ESC programs and practices on nondiscrimination, in accordance with law, and to report evaluations to the Board. The Board will submit such assurances of compliance as are required by law.

(Approval date: December 7, 1996)
(Re-approval date: October 29, 2007)
(Re-approval date: September 26, 2011)

NONDISCRIMINATION ON THE BASIS OF DISABILITY

The ESC does not discriminate on the admission or access to, or treatment or employment in, its programs or activities.

The Superintendent or designee, Medina County Schools' Educational Service Center, 124 W. Washington, Medina, OH 44256, has been designated to coordinate compliance with the nondiscrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided there under, are available from the ADA coordinator.

Recruitment materials or publications published by public entities must contain a statement that the public entity does not discriminate against disabled persons in employment or the provision of services. This requirement may be met by including an insert in existing publication or revising and reprinting publication.

STATEMENT

The Medina County Schools' Educational Service Center does not discriminate on the basis of race, color, national origin, gender, ancestry, citizenship status, religion, age or disability in employment or the provision of services.

DEVELOPMENT OF MISSION STATEMENT

The Board's mission statement will give direction to the educational program and daily operations of the ESC. The mission allows for that flexibility necessary in an ever-changing society. The mission also provides general criteria by which to assess the ESC's program and operations.

Periodically, the policy committee of the Board and the Superintendent will evaluate the ESC's mission statement. Suggestions from both staff and community will be considered.

The committee will revise or confirm the existing mission statement or write a new mission statement. The committee will then present its recommendation regarding the mission statement to the Board for adoption or re-adoption.

All course of study statements reflect and extend the Board's philosophy. The Superintendent disseminates the Board's mission statement to all staff members and direct that it be published in all handbooks.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: OAC 3301-35-02; 3301-35-03; 3301-35-04; 3301-35-05

CROSS REFS.: ADA, Mission Statement
BFG, Policy Review and Evaluation

MISSION STATEMENT

The Medina County Schools' Educational Service Center will be the leader in providing services and products that promote excellence in education.

[Adoption date: September 26, 2011]

LEGAL REFS.: OAC 3301-35-02; 3301-35-03

CROSS REFS.: AD, Development of Mission Statement
AE, ESC Goals and Objectives
Continuous Improvement Plan

ESC GOALS AND OBJECTIVES

In order to meet the responsibility of providing quality services to our customer districts, the Educational Service Center will work towards the following objectives:

We will be a model regional service center for the research, development and delivery of educational services and products to our customers.

We will be implementing a marketing program that will result in our competitors and customers recognizing us as a leader in the delivery of educational services and products.

We will nurture and train our employees to attain skill levels that will make them valued and competitive in the public and private sectors.

We will identify personnel and develop procedures to assist districts in gathering, interpreting and communicating data to their shareholders.

We will develop new technology services based on customer needs.

We will manage ESC resources in order to insure cost effective delivery of services to our customers.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: OAC 3301-35-02; 3301-35-04

CROSS REFS.: ABA, Community Involvement in Decision Making (Also KC)
ADA, Mission Statement
DBD, Budget Planning
IA, Instructional Goals
KA, ESC-Community Relations Goals

COMMITMENT TO ACCOMPLISHMENT

Evaluation of ESC operations is a chief responsibility of the Board and is the only means of learning whether the educational goals adopted are being achieved.

The evaluation program may include, but is not limited to:

1. curriculum and instruction;
2. personnel;
3. equipment and facilities;
4. business operations;
5. community involvement and
6. operations of the Board.

Appraising the success of the program is particularly important. Only through an awareness of the strengths and shortcomings of the program, can the Board and Superintendent have a sound basis for making improvements. The improvements will be made by the Superintendent through the implementation of policies adopted by the Board.

The Board will make evaluation of its operations a continuing process so that it will remain informed of accomplishments and needs.

The Board annually:

1. assesses the ESC's operations and achievement of goals by information gathered from the Superintendent and Treasurer;
2. evaluates the Superintendent and Treasurer according to job descriptions and Board expectations; and
3. evaluate itself according to its established goals and purposes.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 3313.22(D); 3313.60
3319.01; 3319.02(D)
OAC 3301-35-03; 3301-35-04; 3301-35-05

CROSS REFS.: AE, ESC Goals and Objectives
AFA, Evaluation of Board Operational Procedures (Also BK)
AFB, Evaluation of the Superintendent (Also CBG)
AFBA, Evaluation of the Treasurer (Also BCCB)
AFC, Evaluation of Certified Staff (Also GCN)
AFD Evaluation of Classified Staff (Also GDN)
AFI, Evaluation of Educational Resources
BCC, Qualifications and Duties of the Treasurer
CBA, Qualifications and Duties of the Superintendent

EVALUATION OF BOARD OPERATIONAL PROCEDURES

The Board may plan and carry through an appraisal of its functioning as a board. This appraisal will consider the broad realm of relationships and activities inherent in Board responsibilities.

The appraisal process and instrument will be determined by the Board. The following are areas of Board operations and relationships representative of those in which objectives may be set and progress appraised.

1. Board meetings
2. policy development
3. fiscal management
4. long range/strategic planning
5. Board role in educational program development
6. Board member orientation
7. Board member development
8. Board officer performance
9. Board-Superintendent relationships
10. Board-Treasurer relationships
11. Board-staff relationships
12. Board-community relationships
13. legislative and governmental relationships
14. management team development and utilization

The Superintendent and others who regularly work with the Board may be asked to participate in establishing objectives and reviewing progress.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

CROSS REFS.: AF, Commitment to Accomplishment
BA, Board Operation Goals
BCB, Board Officers
BCD, Board-Superintendent Relationship (Also CBI)
BD, Board Meetings
BHA, New Board Member Orientation
DA, Fiscal Management Goals

EVALUATION OF THE SUPERINTENDENT

The Board evaluates the performance of the Superintendent in order to assist both the Board and the Superintendent in the proper discharge of their responsibilities and to enable the Board to provide the ESC with the best possible leadership.

Through evaluation of the Superintendent, the Board will strive to accomplish the following:

1. clarify the role of the Superintendent as seen by the Board;
2. develop harmonious working relationships between the Board and Superintendent;
3. provide administrative leadership for the school system; and
4. identify strengths and weaknesses of the Superintendent's performance.

Criteria for the evaluation of the Superintendent are based upon the Superintendent's job description and relate directly to each of the tasks described. The job description and any revisions thereto are developed in consultation with the Superintendent and adopted by the Board.

The Board may evaluate the abilities and services of the Superintendent at least once a year.

The evaluation of the Superintendent's abilities and performance is written and made available to and discussed with the Superintendent. The Board considers the evaluation of the Superintendent in acting to renew or nonrenew his/her contract.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 3319.01; 3319.16

CROSS REFS.: AF, Commitment to Accomplishment
BDC, Executive Sessions
CBA, Qualifications and Duties of the Superintendent
CBC, Superintendent's Contract

EVALUATION OF THE TREASURER

The Board evaluates the performance of the Treasurer in order to assist both the Board and the Treasurer in the proper discharge of their responsibilities and to enable the Board to provide the Educational Service Center with the best possible leadership.

The objectives of the Board's evaluation are to:

1. promote professional excellence to improve the skills of the Treasurer;
2. improve the quality of ESC's business practices; and
3. provide a basis for the review of the Treasurer's performance.

Criteria for the evaluation of the Treasurer are based upon the Treasurer's job description and relate directly to each of the tasks described. The job description and any revisions thereto are developed in consultation with the Treasurer and Superintendent and adopted by the Board.

The Board may evaluate the abilities and services of the Treasurer at least once a year.

The evaluation of the Treasurer's abilities and performance is written and made available to and discussed with the Treasurer in conference. The Board may consider the evaluation of the Treasurer in acting to renew or nonrenew his/her contract.

[Adoption date: December 7, 1996]

[Re-adoption date: April 26, 2004]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 3313.22
3319.16

CROSS REFS.: AF, Commitment to Accomplishment
BCC, Qualifications and Duties of the Treasurer
BCCA, Incapacity of the Treasurer
BCCC, Treasurer's Contract

EVALUATION OF CERTIFIED STAFF

The continuing evaluation of administrative staff members is necessary to enable the Board to monitor the effectiveness and competence of such staff members and to assist them in the improvement of their professional performance.

For purposes of this policy, "administrative staff members" shall include personnel holding the following positions:

Associate Superintendent
Supervisor/Consultant
Director Coordinator
Bus Driver Trainer
Other Certified Personnel

1. The evaluation shall be conducted by the Superintendent or his/her designee.
2. The evaluation shall measure each administrator's effectiveness in performing the duties included in the applicable job description. The Board delegates authority to the Superintendent to develop evaluation instruments to implement this procedure. The Board shall from time to time adopt and revise administrator job descriptions to implement this procedure.
3. In any school year that the administrator's contract is not due to expire, at least one evaluation shall be completed in that year. A written copy of the evaluation shall be provided to the administrator no later than the end of the employee's contract year as defined by the administrator's annual salary notice.
4. In any school year that the administrator's contract of employment is due to expire, a preliminary evaluation and a final evaluation shall be completed in that year. A written copy of the preliminary evaluation shall be provided to the administrator at least 60 days prior to any action by the Board (but not later than January 15) on the administrator's contract of employment. The final evaluation shall indicate the Superintendent's intended recommendation to the Board regarding a contract of employment for the administrator. A written copy of the final evaluation shall be provided to the employee at least five days prior to the Board's acting to renew or not renew the contract.

5. Before taking action to renew or nonrenew the contract of an administrator, the administrator shall be given written notice of the date that the contract expires and that the administrator may request a meeting with the Board. Upon request by the administrator, the Board shall grant the employee a meeting in executive session. In that meeting, the Board shall discuss its reasons for considering the renewal or nonrenewal of the contract. The administrator shall be permitted to have a representative of the administrator's choice at the meeting.
6. The evaluation shall be considered by the Board in deciding whether to renew the administrator's contract.
7. If the Board takes action to nonrenew the contract of an administrator, the administrator shall be provided with written notice of the Board's action on or before the last day of March of the year in which the administrator's contract expires.
8. The establishment of this procedure shall not create an expectancy of continued employment. Nothing contained herein shall prevent the Board from making the final determination regarding the renewal or nonrenewal of the administrator's contract, provided the administrator has been given the evaluations required by this procedure and the opportunity, upon request, to meet with the Board as required by this procedure.

[Adoption date: December 7, 1996]

[Re-adoption date: October 23, 2000]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 3319.02; 3319.03; 3319.04; 3319.16; 3319.17; 3319.171; 3319.22
Chapter 4117
OAC 3301-35-05

CROSS REFS.: AF, Commitment to Accomplishment
GBL, Personnel Records

EVALUATION OF CERTIFIED STAFF
(Ohio Teacher Evaluation System)

A determination of the efficiency and effectiveness of the teaching staff is a critical factor in the overall operation of the Educational Service Center. The Board evaluates teachers in accordance with State law and the standards-based statewide teacher evaluation framework adopted by the State Board of Education (SBOE).

Notwithstanding Ohio Revised Code Section (RC) 3319.09, this policy applies to any person employed under a teacher license issued under RC 3319, or under a professional or permanent teacher's certificate issued under former RC 3319.222, and who spends at least 50% of the time employed providing content-related student instruction. This teacher evaluation policy does not apply to substitute teachers or instructors of adult education.

The Board directs the Superintendent/designee to implement this policy in accordance with State law. This policy has been developed in consultation with teachers employed by the Board. This policy becomes effective at the expiration of any collective bargaining agreement covering teachers employed by the Board that was in effect on November 2, 2018 and must be included in any renewal or extension.

The Educational Service Center will implement this policy beginning with the 2020-2021 school year.

Credentialed Evaluators

Evaluations carried out under this policy are conducted by persons holding evaluator credentials established by the Ohio Department of Education (ODE).

Final Holistic Rating and Evaluation Cycle

Teachers are assigned a final holistic rating of Accomplished, Skilled, Developing or Ineffective. This rating will be based on a combination of informal and formal observations and supporting evidence using the Teacher Evaluation Rubric.

Annually, the Board submits to the ODE the number of teachers assigned a final holistic rating, aggregated by the teacher preparation programs from which, and the years in which, the teachers graduated. The name of, or any personally identifiable information about, any teacher reported in compliance with this provision cannot be required.

The full evaluation cycle includes:

- Professional Growth/Improvement Plan;
- One formal holistic observation, followed by a conference;
- At least two classroom walkthroughs – with an emphasis on identified focus area(s) when applicable;
- One formal focused observation – with an emphasis on identified focus area(s) and
- One final summative conference.

The teacher performance measure of the evaluation cycle is aligned with the following Ohio Standards for the Teaching Profession:

- Understand student learning and development, respect student diversity and hold high expectations for all students to achieve and progress at high levels;
- Understand the content areas for which they have instructional responsibility;
- Understand and use varied assessments to inform instruction and evaluate and ensure student learning;
- Plan and deliver effective instruction that advances the learning of each student;
- Create learning environments that promote high levels of learning and achievement for all students;
- Collaborate and communicate with students, parents, other teachers, administrators and the community to support student learning and
- Assume responsibility for professional growth and performance as an individual and as a member of a learning community.

The Superintendent/designee selects/develops evaluation tools to calculate teacher performance. The Board directs the Superintendent/designee to develop procedures for these evaluation tools.

Teachers, who are on limited or extended limited contracts pursuant to State law and under consideration for nonrenewal, receive at least three formal observations during the evaluation cycle.

All teacher evaluations are completed by May 1. Teachers evaluated under this policy are provided with a written copy of their evaluation results by May 10.

High-Quality Student Data

High-quality student data (HQSD) is used to guide instructional decisions and meet student learning needs. HQSD used must be rigorously reviewed by locally determined experts in the field of education to meet all of the following criteria:

- Align to learning standards;
- Measure what is intended to be measured;

- File: GCN-1 (Also AFC-1)

- Be attributable to a specific teacher for course(s) and grade level(s) taught;
- Demonstrate evidence of student learning (achievement and/or growth);
- Follow protocols for administration and scoring;
- Provide trustworthy results and
- Not offend or be driven by bias.

AND the teachers must use the data generated from the HQSD data instrument by:

- Critically reflecting upon and analyzing available data, using the information as part of an ongoing cycle of support for student learning;
- Considering student learning needs and styles, identifying the strengths and weaknesses of an entire class, as well as individual students;
- Informing instruction and adapting instruction to meet student need based upon the information gained from the data analysis and
- Measuring student learning (achievement and/or growth) and progress towards achieving state and local standards.

Evaluations use at least two measures of HQSD to provide evidence of student learning attributable to the teacher being evaluated when required.

When applicable to the grade level or subject area taught by a teacher, HQSD includes the value-added progress dimension established under RC 3302.021, except when otherwise prohibited by law.

HQSD may be used as evidence in any component of the evaluation where applicable.

Data from ODE vendor approved assessments may be considered HQSD.

The use of shared attribution measures or student learning objectives is prohibited.

Professional Growth and Improvement Plans

Each teacher must develop a Professional Growth or Improvement Plan based on the results of their most recent evaluation. These plans are to be developed annually and must be based on the results of the evaluation and aligned to any existing Educational Service Center or building improvement plan.

Teachers with a final holistic rating of Accomplished must develop a self-directed Professional Growth Plan.

Teachers with a final holistic rating of Skilled must develop a Professional Growth Plan working jointly with the credentialed evaluator.

Teachers with a final holistic rating of Developing must develop a Professional Growth Plan that is guided by their assigned credentialed evaluators.

Teachers with a final summative rating of Ineffective will be placed on an Improvement Plan developed by the assigned credentialed evaluators.

Retention and Promotion

The Board uses evaluation results for retention and promotion decisions. The Board adopts procedures for use in making retention and promotion decisions based on evaluation results.

Seniority shall not be the basis for making retention decisions, except when choosing between teachers who have comparable evaluations.

Poorly Performing Teachers

The Board uses evaluation results for removing poorly performing teachers. The Board adopts procedures for removing poorly performing teachers based on evaluation results.

Professional Development

The Board allocates financial resources to support professional development in compliance with State law and the SBOE's evaluation framework.

[Adoption date: May 23, 2016]

[Re-adoption date: May 20, 2019]

[Re-adoption date: October 26, 2020]

LEGAL REFS.: The Elementary and Secondary Education Act; 20 USC 1221 et seq.
ORC 3319.11; 3319.111; 3319.112; 3319.16; 3319.61
Chapter 4117
OAC 3301-35-05

CROSS REFS.: AF, Commitment to Accomplishment
GBL, Personnel Records
GCB, Professional Staff Contracts and Compensation Plans
GCL, Professional Staff Development Opportunities

EVALUATION OF PROFESSIONAL STAFF
(Administrators Both Professional and Support)

The Superintendent institutes and maintains a comprehensive program for the evaluation of administrative personnel. Administrative personnel are all persons issued contracts in accordance with the Ohio Revised Code. Evaluations should assist administrators in developing their professional abilities in order to increase the effectiveness of District management.

The purpose of administrator evaluations is to assess the performance of administrators, to provide information upon which to base employment and personnel decisions and to comply with State law. All administrators are evaluated annually. In the year an administrator's contract does not expire, the evaluation is completed by the end of the contract year, and a copy is given to the administrator.

In the year an administrator's contract does expire, two evaluations are completed, one preliminary and one final. The preliminary evaluation is conducted at least 60 days prior to June 1 and prior to any Board action on the employee's contract. A written copy of the preliminary evaluation is given to the administrator at this time. Evaluations are considered by the Board in determining whether to re-employ administrators.

The final evaluation includes the Superintendent's intended recommendation for the contract of the employee. A written copy of the final evaluation must be provided to the employee at least five days prior to the Board's action to renew or nonrenew the employee's contract. The employee may request a meeting with the Board prior to any Board action on his/her contract. The employee may have a representative of his/her choice at the meeting.

The evaluation measures the administrator's effectiveness in performing the duties included in his/her written job description and the specific objectives and plans developed in consultation with the Superintendent.

Evaluation criteria for each position are in written form and are made available to the administrator. The results of the evaluations are kept in personnel records maintained in the central office. The evaluated administrator has the right to attach a memorandum to the written evaluation. Evaluation documents, as well as information relating thereto, are accessible to each evaluatee and/or his/her representative.

This evaluation procedure does not create an expectancy of continued employment. Nothing contained herein prevents the Board from making any final determination regarding the renewal or nonrenewal of an administrator's contract.

Ohio Principal Evaluation System (OPES)

Procedures for evaluating principals and assistant principals are based on principles comparable to the Ohio Teacher Evaluation System, but are tailored to the duties and responsibilities of principals and assistant principals and the environment in which they work. Principals and assistant principals are evaluated under the above system, with the inclusion of the following components.

Principals and assistant principals are assigned an effectiveness rating of Accomplished, Skilled, Developing or Ineffective. This rating will be determined based on 50% measures of principal or assistant principal performance and 50% student growth measures. Student academic growth is determined through multiple measures.

Principals and assistant principals are evaluated via two formal observations and periodic building walk-throughs. The 50% principal and assistant principal performance measure is based on the Ohio Standards for Principals. Proficiency on the standards includes consideration of professional goal setting, communication and professionalism, and skills and knowledge.

Student academic growth is evaluated by a combination of: (1) Value-added data; (2) Ohio Department of Education (ODE)-approved assessments and/or (3) Board-determined measures. When available, value-added data shall be included in the multiple measures used to evaluate student growth.

Value-added data based on the results of state assessments administered in the 2014-2015 and 2015-2016 school years may be used to assess student academic growth where such data is available. Such data also may be used when making dismissal, retention, tenure or compensation decisions.

The principal's performance rating is combined with the results of student growth measures to produce a summative evaluation rating according to ODE requirements.

The Superintendent/designee evaluates all principals and assistant principals annually. Annual evaluations include two formal observations at least 30 minutes each and periodic building walk-throughs.

The Board allocates financial resources to support professional development in compliance with State law and the State Board of Education's evaluation framework.

[Adoption date: May 23, 2016]

LEGAL REFS.: ORC 3319.02; 3319.03; 3319.04; 3319.111; 3319.16; 3319.17; 3319.171;
3319.22
OAC 3301-35-05

CROSS REFS.: AF, Commitment to Accomplishment
GBL, Personnel Records

EVALUATION OF SCHOOL COUNSELORS

Professional school counselors offer students access to high-quality services that support students' academic, career and social/emotional development. The Board evaluates school counselors in accordance with State law and the standards-based statewide counselor evaluation framework adopted by the State Board of Education (SBOE). The framework is aligned with the Ohio Standards for School Counselors.

The Board directs the Superintendent/designee to implement this policy in accordance with State law. The policy becomes operative at the expiration of any collective bargaining agreement covering school counselors that is in effect on September 29, 2015. The requirements of this policy prevail over any conflicting provisions of collective bargaining agreements entered into on or after September 29, 2015.

Annually, the Board submits to the Ohio Department of Education (ODE) a report regarding implementation of this policy. The name of, or any personally identifiable information about, any counselor reported in compliance with this provision cannot be required.

Effectiveness Rating

School counselors are assigned an effectiveness rating of Accomplished, Skilled, Developing or Ineffective. Each school counselor is evaluated based on multiple factors including performance on all areas identified by the standards for school counselors and the ability to produce positive student outcomes using metrics in order to determine the holistic final summative rating of effectiveness according to ODE requirements. The choice of metrics for student outcomes will be determined locally and will include information from the school or school district's report card when appropriate.

Evaluation Time Line

ESC administrators evaluate school counselors annually except as otherwise appropriate for high performing school counselors. Annual evaluations include two formal observations of at least 30 minutes each and informal observations. Counselors will be provided with a written report of the evaluation.

The Board evaluates school counselors receiving effectiveness ratings of Accomplished on the counselors' most recent evaluations carried out under this policy, and whose metric of student outcomes for the most recent school year for which data is available is skilled or higher on the evaluation rubric every three years. In years when an evaluation will not take place, one observation is carried out and at least one conference with the counselor is held.

The Board evaluates school counselors receiving effectiveness ratings of Skilled on the counselors' most recent evaluations carried out under this policy, and whose metric of student outcomes for the most recent school year for which data is available is skilled or higher on the evaluation rubric every two years. In years when an evaluation will not take place, one observation is carried out and at least one conference with the counselor is held.

Professional Growth and Improvement Plans

School counselors with a final summative rating of Accomplished must develop a professional growth plan.

School counselors with a final summative rating of Skilled must develop a professional growth plan collaboratively with their evaluator.

School counselors with a final summative rating of Developing must develop a professional growth plans with their evaluator. The Superintendent/designee approves the professional growth plan.

School counselors with a final summative rating of Ineffective must develop an improvement plan with their evaluator. The Superintendent/designee approves the improvement plan.

The ESC has discretion to place a school counselor on an improvement plan at any time based on deficiencies in any individual component of the evaluation system.

Retention and Promotion

The Board uses evaluation results for retention and promotion decisions for school counselors beginning with the 2017-2018 school year. The Board adopts procedures for use by ESC administrators in making retention and promotion decisions based on evaluation results.

Poorly Performing Counselors

The Board uses evaluation results for removing poorly performing counselors beginning with the 2017-2018 school year. The Board adopts procedures for removing poorly performing school counselors based on evaluation results.

Professional Development

The Board allocates financial resources to support professional development in compliance with State law and the SBOE's evaluation framework.

[Adoption date: November 14, 2016]

LEGAL REFS.: ORC 3319.113; 3319.61
3302.03
Chapter 4117
OAC 3301-35-05

CROSS REFS.: AF, Commitment to Accomplishment
GBL, Personnel Records
GCB, Professional Staff Contracts and Compensation Plans

CONTRACT REF.: Teachers' Negotiated Agreement

EVALUATION OF CLASSIFIED STAFF

The Board recognizes the importance of implementing a program of classified employee evaluations for the purpose of promoting individual job performance and improving services to students, local districts and the public.

The goals of the Board's evaluation plan for classified personnel are to identify and remediate weaknesses that prevent an employee from achieving the goals of assigned duties.

The structure of the evaluation plan shall provide a procedure for identifying and commending effective performance and counseling and assisting employees where improvement is desired.

The Superintendent shall prepare regulations for the conduct of employee evaluations, which shall include the following information.

1. The setting of specific job objectives by the evaluator and evaluatee in mutual agreement.
2. The identification of constraints hindering achievement of the employee's objectives as determined by the evaluator and evaluatee in mutual agreement.
3. The conducting of evaluations will be done annually.
4. A method of making records that ensures entries are based on observable and verifiable facts, note is taken of an employee's strengths as well as weaknesses, the same recording system will be used for all employees similarly situated, and all materials will be held confidential.
5. The provisions for remediating unsatisfactory performance by recommending how improvement can be effected and scheduling follow-up conferences to assess change.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC Chapter 124
Chapter 4117
3319.081
OAC 3301-35-05

CROSS REFS.: AF, Commitment to Accomplishment
GBL, Personnel Records

EVALUATION OF EDUCATIONAL RESOURCES

The Superintendent will develop and implement an assessment procedure to evaluate the effectiveness of the educational resources used by the ESC to achieve educational goals and objectives.

The individual resource areas will be assessed yearly while the overall program shall be assessed every three years according to professionally recognized criteria and procedures.

The Superintendent is instructed to keep current relative to research and successful practices and to employ the best and most reliable methods and measures in the evaluative process.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: OAC 3301-35-03; 3301-35-04

CROSS REFS.: AC, Nondiscrimination
AF, Commitment to Accomplishment
IA, Instructional Goals
JO, Student Records
KA, ESC-Community Relations Goals