

SECTION J: STUDENT

JA*	Student Policies Goals
JB*	Equal Educational Opportunities
JC*	School Attendance Areas
JEA*	Compulsory Attendance Ages
JED*	Student Absences and Excuses
JEEE*	Student Attendance Accounting (Missing and Absent Children)
JEG*	Exclusions and Exemptions from School Attendance
JF*	Student Rights and Responsibilities
JFCB*	Care of ESC Property by Students
JFCC*	Student Conduct on ESC Managed Transportation (Also EEACC)
JFCC-R*	Student Conduct on ESC Managed Transportation (Also EEACC-R)
JFCF*	Hazing and Bullying (Harassment, Intimidation and Dating Violence)
JFCF-R*	Hazing and Bullying (Harassment, Intimidation and Dating Violence)
JFCFA*	Anti-Harassment, Anti-Intimidation Or Anti-Bullying
JFCG*	Tobacco Use by Students
JFCH*	Alcohol Use by Students
JFCI*	Student Drug Abuse
JFCJ*	Weapons in the Schools
JFG*	Interrogations and Searches
JFG-R*	Interrogations and Searches
JG*	Student Discipline
JGDA*	Emergency Removal of Student
JHC*	Student Health Services and Requirements
JHCB*	Immunizations
JHCC*	Communicable Diseases
JHCD*	Administering Medicines to Students
JHCD-R*	Administering Medicines to Students
JHF*	Student Safety
JHFD*	Student Automobile Use
JHG*	Reporting Child Abuse
JHH*	Notification About Sex Offenders
JM*	Staff-Student Relations (Also GBH)
JN*	Student Fees, Fines and Charges
JO*	Student Records
JOA*	Student Surveys

* denotes areas covered by Board policy

STUDENT POLICIES GOALS

The Board advocates the following goals to:

1. enhance equal educational opportunities for all students;
2. instill in all students the ability to be critical thinkers and to strive for lifelong learning;
3. promote consistent attendance;
4. ensure that the Constitutional rights of all students as citizens in a democracy have practical meaning and application;
5. develop in students a deep sense of personal responsibility for their actions;
6. attend vigorously to matters of student safety, health and welfare;
7. deal justly and constructively with all students in matters of discipline and
8. help all students feel that they are valued as individual persons in the school environment.

[Adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: Ohio Const. Art. II
ORC 3313.20; 3313.48

EQUAL EDUCATIONAL OPPORTUNITIES

All students of the ESC have equal educational opportunities.

Students have the right to be free from discrimination on the basis of race, color, national origin, citizenship status, religion, gender, economic status, marital status, pregnancy, age, ancestry, military status or disability in all decisions affecting admissions; membership in school-sponsored organizations, clubs or activities; access to facilities; distribution of funds; academic evaluations or any other aspect of school-sponsored activities. Any limitations with regard to participation in a school-sponsored activity are based on criteria reasonably related to that specific activity.

[Adoption date: December 7, 1996]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: The Elementary and Secondary Education Act; 20 USC 1221 et seq.
Civil Rights Act, Title VI; 42 USC 2000d et seq.
Civil Rights Act, (Amended 1972), Title VII; 42 USC 2000e et seq.
Executive Order 11246, 1965, amended by Executive Order 11375
Education Amendments of 1972, Title IX, Pub. L. No. 92-318 (1972)
Individuals with Disabilities Education Act; 20 USC 1400 et seq.
Americans with Disabilities Act Amendments Act of 2008; 42 USC 12101 et seq.
Vocational Rehabilitation Act of 1973, Section 504
ORC 9.60 through 9.62
Chapter 4112
OAC 3301-35-02; 3301-35-04

CROSS REFS.: AC, Nondiscrimination/Harassment
ACA, Nondiscrimination on the Basis of Sex
ACB, Nondiscrimination on the Basis of Disability
GBA, Equal Opportunity Employment
IGBA, Programs for Students with Disabilities
IGBB, Programs for Gifted and Talented Students

SCHOOL ATTENDANCE AREAS

The Board will determine attendance areas for the local school districts. Boundary lines will be determined in compliance with the Ohio Revised Code.

[Adoption date: December 7, 1996]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 3313.48; 3313.97
3319.01

COMPULSORY ATTENDANCE AGES

Children between the ages of six and 18 are of compulsory school age. Every person of compulsory school age must attend a school, which conforms to the standards prescribed by the State Board of Education (SBOE) until one of the following occurs.

1. The person receives a diploma or GED granted by the Board or other governing authority indicating such student has successfully completed all state and local requirements.
2. The person receives an age and schooling certificate (work permit) and is enrolled in a GED program.
3. The person is excused from school under standards adopted by the SBOE pursuant to State law.

The parent(s) of any person who is of compulsory school age must send such person to school unless he/she is exempt as listed above.

[Adoption date: May 23, 2016]

[Re-adoption date: November 14, 2016]

LEGAL REFS.: ORC 3313.61; 3313.617
3321.01 et. seq.
3331.02
OAC 3301-35-04
3301-41

CROSS REFS.: IGBG, Homebound Instruction
JEB, Entrance Age (Mandatory Kindergarten)
JEG, Exclusions and Exemptions from School Attendance
JFE, Pregnant Students

STUDENT ABSENCES AND EXCUSES

Regular attendance by all students is very important. In many cases, irregular attendance is the major reason for poor schoolwork; therefore, all students are urged to make appointments, do personal errands, etc., outside of school hours.

Reasons for which students may be excused include, but are not limited to:

1. personal illness of the student;
2. illness in the student's family necessitating the presence of the child;
3. needed at home to perform necessary work directly and exclusively for parents or legal guardians for a limited period of time when approved by the Superintendent (applies to students over 14 years of age only);
4. death in the family (applies to absences of up to 18 school hours unless a reasonable cause may be shown for a longer absence);
5. quarantine for contagious disease;
6. observance of religious holidays consistent with a student's truly held religious belief;
7. traveling out of state to attend a Board-approved enrichment activity or extracurricular activity (applies to absences of up to 24 school hours);
8. college visitation;
9. absences due to a student's placement in foster care or change in foster care placement or any court proceedings related to their foster care status;
10. absences due to a student being homeless or
11. as determined by the Superintendent.

The ESC makes an attempt to contact the parent, guardian, or other person having care of a student who has not notified the school of the student's absence that day regarding that student's unexcused absence within 120 minutes of the start of the school day. The Board authorizes the Superintendent to determine and use the appropriate notification procedure and methods consistent with State law.

Each student who is absent must immediately, upon return to school, make arrangements with his/her teacher(s) to make up work missed. Students who are absent from school for reasons not permitted by State law may, or may not, be permitted to make up work. Each case is considered on its merits by the principal and the respective teacher(s). Students who are absent due to an in-school or out-of-school suspension are permitted to make up missed classroom assignments in accordance with ESC level policies and procedures. Students are requested to bring a note to school after each absence explaining the reason for the absence or tardiness.

The Board does not believe that students should be excused from school for vacations or other nonemergency trips. The responsibility for such absences resides with the parent(s), and they must not expect any work missed by their child to be retaught by the teacher. If the school is notified in advance of such a trip, reasonable efforts are made to prepare a general list of assignments for the student to do while he/she is absent.

The Board authorizes the Superintendent to establish a hearing and notification procedure for the purpose of denying a student's driving privileges if that student of compulsory school age has been absent without legitimate excuse for more than 60 consecutive hours during a school month or a total of at least 90 hours during a school year.

[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: May 20, 2019]

LEGAL REFS.: ORC 3313.609; 3313.66
3321.01; 3321.03; 3321.04; 3321.13; 3321.14; 3321.141; 3321.19;
3321.38
4510.32
OAC 3301-69-02

CROSS REFS.: IGAC, Teaching About Religion
IKB, Homework
JEDB, Student Dismissal Precautions
JEE, Student Attendance Accounting (Missing and Absent Children)
JHC, Student Health Services and Requirements
JHCC, Communicable Diseases

STUDENT ATTENDANCE ACCOUNTING
(Missing and Absent Children)

The Board believes in the importance of trying to decrease the number of missing children; therefore, efforts are made to identify missing children and to notify the proper adults or agencies.

Except where required by State law, at the time of initial entry into school, a student shall present to the person in charge of admission an official copy of a birth certificate and copies of those records pertaining to him/her that were maintained by the school that he/she most recently attended. In lieu of a birth certificate, birth documentation may include:

1. a passport or attested transcript thereof filed with a registrar of passports at a point of entry of the United States showing the date and place of birth of the child;
2. an attested transcript of the certificate of birth;
3. an attested transcript of the certificate of baptism or other religious record showing the date and place of birth of the child;
4. an attested transcript of a hospital record showing the date and place of birth of the child or
5. a birth affidavit.

Except where required by State law, if the student does not present copies of the required documents, the principal shall call the school from which the student transferred and request the information. If that district has no record on file of the student or if that district does not send the records within 14 days, the principal shall notify the law enforcement agency having jurisdiction in the area where the student resides of the possibility that the student might be a missing child.

The primary responsibility for supervision of a student resides with his/her parent(s). The staff provides as much assistance as is reasonable to parents with this responsibility.

Parents must notify the school on the day a student is absent unless previous notification has been given in accordance with school procedure for excused absences. The ESC makes an attempt to contact the parent, guardian, or other person having care of a student who has not notified the school of the student's absence that day regarding that student's absence without legitimate excuse within 120 minutes of the start of the school day. The Board authorizes the Superintendent to determine and use the appropriate notification procedure and methods consistent with State law.

Parents or other responsible persons shall provide the school with their current home and/or work telephone numbers, home addresses and any emergency telephone numbers.

The Board designates the Superintendent to develop informational programs for students, parents and community members relative to the subject of missing children.

[Adoption date: July 21, 2020]

LEGAL REFS.: ORC 109.65

2901.30
3313.205; 3313.672; 3313.96
3319.321; 3319.322
3321.12
3321.141
3705.05

CROSS REFS.: JEC, School Admission

JEC, Admission of Homeless Students
JED, Student Absences and Excuses
JEDB, Student Dismissal Precautions
JHF, Student Safety

EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE

A student of compulsory school age residing in the District may be legally excused from full-time enrollment by:

1. holding an age and schooling certificate (work permit), being regularly employed and attending school on a part-time basis in a program approved by the Superintendent or his/her designee;
2. receiving approved home instruction;
3. attending a private or parochial school or
4. having received a diploma from an approved high school or a certificate of high school equivalency from the Ohio Department of Education.

The ESC may temporarily deny admittance to any student who is otherwise entitled to be admitted to the ESC if the student has been suspended or expelled from the schools of another district in the state of Ohio or an out-of-state district and if the period of suspension or expulsion has not expired. The student and parent(s) will have an opportunity for a hearing before the Superintendent/designee to determine the admittance or nonadmittance of the student.

[Adoption date: November 14, 2016]

LEGAL REFS.: ORC 3301.80; 3301.81
3313.66
3321.02; 3321.03; 3321.04; 3321.07
3331.01; 3331.02; 3331.04; 3331.06 through 3331.09

CROSS REFS.: IGCf, Home Instruction
JEA, Compulsory Attendance Ages
JECE, Student Withdrawal from School (Loss of Driving Privileges)
JEGA, Permanent Exclusion
JHCC, Communicable Diseases
JK, Employment of Students

STUDENT RIGHTS AND RESPONSIBILITIES

Students, like all citizens, have civil rights guaranteed by the Constitution of the United States. The First Amendment, which ensures the freedom of religion, speech, press, assembly and petition, and the Fourteenth Amendment, which guarantees due process and equal protection, apply in school environments.

The rights of an individual are preserved only by the protection and preservation of the rights of others. A student is responsible for the way rights are exercised and must accept the consequences of actions and recognize the boundaries of rights. Each exercise of an individual's rights must demonstrate respect for the rights of others.

These statements set forth the rights of students and the responsibilities that are inseparable from these rights, which include the right to:

1. equal educational opportunity and freedom from discrimination and the responsibility not to discriminate against others;
2. attend free public schools; the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school;
3. due process of law with respect to suspension and expulsion;
4. free inquiry and expression and the responsibility to observe rules regarding these rights and
5. privacy, which includes privacy with respect to the student's school records.

As part of the educational process, students should be made aware of their legal rights and of the legal authority of the Board to make rules and delegate authority to its staff to make rules necessary for the orderly operation of the schools.

A copy of the school discipline code is posted in each of the schools and given to each student. This code describes in detail the offenses for which disciplinary action may be taken. Copies of the code are available to any parent in the principal's office.

[Adoption date: April 24, 2017]

LEGAL REFS.: U.S. Const. Amend. I
U.S. Const. Amend. XIV, Section 1
ORC 3313.20; 3313.66; 3313.661; 3313.662; **3313.668**

CROSS REFS.: ABC, Student Involvement in Decision Making (Also JFB)
IGDB, Student Publications
JFC, Student Conduct (Zero Tolerance)
JFG, Interrogations and Searches
Student Handbooks

CARE OF ESC PROPERTY BY STUDENTS

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

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

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

The Board authorizes the imposition of fines for the loss, damage or destruction of ESC equipment, apparatus, musical instruments, library material, textbooks and for damage to school buildings and reserves the right to withhold a report card or credits from any student whose payment of such fine is in arrears.

The Board may report to the appropriate juvenile authorities any student whose damage of ESC property has been serious or chronic in nature.

A reward may be offered by the Board for the apprehension of any person who vandalizes ESC property.

The Superintendent shall develop administrative guidelines to implement this policy.

[Adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

CROSS REF.: JN, Student Fees, Fines and Charges

STUDENT CONDUCT ON ESC MANAGED TRANSPORTATION

The Governing Board furnishes transportation in compliance with State law. This fact does not relieve parents of students from the responsibility of supervision until such time as the student boards the vehicle and after the student leaves the vehicle at the end of the school day.

Students on ESC managed transportation are under the authority of, and directly responsible to, the driver. The driver has the authority to enforce the established regulations for rider conduct. Disorderly conduct or refusal to submit to the authority of the driver is sufficient reason for refusing transportation services or suspending transportation services to any student once proper procedures are followed.

The Governing Board authorizes the Superintendent or other administrators to suspend a student from ESC managed transportation privileges for a period not to exceed one school year. The only due process required is the student must receive notice of an intended suspension from ESC managed transportation and an opportunity to appear before the Superintendent or other administrator before the suspension is imposed.

The Governing Board's policy regarding suspension from ESC managed transportation privileges must be posted in a central location in each school building and made available to students upon request.

Regulations regarding conduct on ESC managed transportation, as well as general information about the school transportation program, are available to all parents and students.

[Adoption date: May 23, 2013]

LEGAL REFS.: ORC 3327.01; 3327.014
OAC 3301-83-08

CROSS REFS.: JFC, Student Conduct (Zero Tolerance)
JG, Student Discipline
Staff Handbooks
Student Handbooks

STUDENT CONDUCT ON ESC MANAGED TRANSPORTATION

The following regulations pertain to student conduct on ESC managed transportation and are intended to ensure the safety and welfare of the students, the driver and other drivers on the road and to ensure safety and proper maintenance of school vehicles.

Students will:

1. be careful in approaching bus stops, walk on the left facing oncoming traffic, be sure that the road is clear both ways before crossing the highway and wait in a location clear of traffic;
2. arrive at the bus stop before the bus is scheduled to arrive in order to permit the bus to follow the time schedule;
3. not exhibit behavior at the bus stop that threatens life, limb or property of any individual;
4. sit in assigned seats (drivers have the right to assign a student to a seat and to expect reasonable conduct similar to conduct expected in a classroom);
5. reach assigned seat without disturbing or crowding other students and remain seated while the vehicle is moving;
6. obey the driver promptly and respectfully and recognize that he/she has an important responsibility and that it is everyone's duty to help ensure safety;
7. keep the vehicle clean and sanitary, refrain from chewing gum or consuming candy, food or drinks on the vehicle at any time (accept as required for medical reasons);
8. refrain from using profane language and from loud talking or laughing (unnecessary confusion diverts the driver's attention and might result in a serious accident);
9. remain seated keeping aisles and exits clear, keep head, arms and hands inside the vehicle at all times and not throw or pass objects on, from or into the vehicle;
10. be courteous to fellow students and to the driver;
11. treat equipment as one would treat valuable furniture in his/her home (damage to the school vehicle is strictly forbidden);

12. not use tobacco on the vehicle or possess alcohol or drugs on the vehicle except as prescription medications may be required for a student and
13. carry on the vehicle only items that can be held in their laps.

Students must remain seated until the vehicle stops, then promptly unload and wait in their designated place of safety until the vehicle leaves. Students who must cross the street to reach the residence side of the street must wait for the signal from the driver and cross in front of the vehicle after also checking for traffic themselves.

Failure of a student to follow these regulations may result in his/her forfeiting the right of transportation on ESC managed transportation.

When discipline problems with individual students arise, use the following guidelines.

1. If possible, the driver should resolve the problem.
2. When the driver is unable to resolve the problem, he/she should report it to the transportation supervisor. The transportation supervisor and driver, if necessary, confer with the principal. Any discipline is imposed by the principal of the school.
3. Problems that cannot be resolved by measures specified above are referred to the Superintendent.

(Approval date: May 23, 2016)

HAZING AND BULLYING
(Harassment, Intimidation and Dating Violence)

Hazing means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person.

Throughout this policy the term bullying is used in place of harassment, intimidation and bullying.

Bullying, harassment and intimidation is an intentional written, verbal, electronic or physical act that a student has exhibited toward another particular student more than once. The intentional act also includes violence within a dating relationship. The behavior causes mental or physical harm to the other student and is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for the other student. This behavior is prohibited on school property, on a school bus or at a school-sponsored activity. Students found responsible for harassment, intimidation or bullying by an electronic act may be suspended. When the behavior is sexual harassment, the Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.

Permission, consent or assumption of risk by an individual subjected to hazing, bullying and/or dating violence does not lessen the prohibition contained in this policy.

The Educational Service Center includes, within the health curriculum, age-appropriate instruction in dating violence prevention education in grades 7 to 12. This instruction includes recognizing warning signs of dating violence and the characteristics of healthy relationships.

Prohibited activities of any type, including those activities engaged in via computer and/or electronic communications devices or electronic means, are inconsistent with the educational process and are prohibited at all times. The Educational Service Center educates minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

No administrator, teacher or other employee of the Educational Service Center shall encourage, permit, condone or tolerate any hazing and/or bullying activities. No students, including leaders of student organizations, are permitted to plan, encourage or engage in any hazing and/or bullying.

Administrators, teachers and all other Educational Service Center employees are particularly alert to possible conditions, circumstances or events that might include hazing, bullying and/or dating violence. If any of the prohibited behaviors are planned or discovered, involved students are informed by the discovering Educational Service Center employee of the prohibition contained in this policy and are required to end all such activities immediately. All hazing, bullying and/or dating violence incidents are reported immediately to the principal/designee and appropriate discipline is administered. When employees have actual knowledge that the behavior is sexual harassment, they must contact the Title IX Coordinator.

The Superintendent/designee must provide the Board President with a semiannual written summary of all reported incidents and post the summary on the Educational Service Center's website, to the extent permitted by law.

The administration provides training on the Educational Service Center hazing and bullying policy to Educational Service Center employees and volunteers who have direct contact with students and by November 30 annually reports to the Ohio Department of Education compliance with this requirement through the consolidated school mandate report. If the Educational Service Center reports noncompliance the Superintendent/designee must provide a written explanation to the Board within 30 days explaining this noncompliance and a written plan of action for accurately and efficiently addressing the problem.

Additional training is provided to elementary employees in violence and substance abuse prevention and positive youth development.

Educational Service Center employees, students and volunteers have qualified civil immunity for damages arising from reporting an incident of hazing and/or bullying. Administrators, teachers, other employees and students who fail to abide by this policy may be subject to disciplinary action and may be liable for civil and criminal penalties in compliance with State and Federal law.

No one is permitted to retaliate against an employee or student because he/she files a grievance or assists or participates in an investigation, proceeding or hearing regarding the charge of hazing and/or bullying of an individual.

[Adoption date: December 11, 2009]

[Re-adoption date: September 26, 2011]

[Re-adoption date: April 24, 2017]

[Re-adoption date: May 20, 2019]

[Re-adoption date: October 26, 2020]

LEGAL REFS.: Children's Internet Protection Act; 47 USC 254 (h)(5)(b)(iii);
(P.L. 106-554, HR 4577, 2000, 114 Stat 2763)
Education Amendments of 1972, Title IX; 20 USC 1681 et seq.
ORC 117.53
2307.44
2903.31
3301.22
3301.68
3313.666; 3313.667
3319.073; 3319.321

CROSS REFS.: AC, Nondiscrimination
ACA, Nondiscrimination on the Basis of Sex
ACAA, Sexual Harassment
EDE, Computer/Online Services (Acceptable Use and Internet Safety)
IGAE, Health Education
IIBH, District Websites
JFC, Student Conduct (Zero Tolerance)
JFCEA, Gangs
JFCK, Use of Electronic Communications Equipment by Students
JG, Student Discipline
JHG, Reporting Child Abuse and Mandatory Training
JO, Student Records
Student Handbooks

HAZING AND BULLYING (Harassment, Intimidation and Dating Violence)

The prohibition against hazing, dating violence, harassment, intimidation or bullying is publicized in student handbooks and in the publications that set the standard of conduct for schools and students in the Educational Service Center. In addition, information regarding the policy is incorporated into employee handbooks and training materials. When the behavior involves allegations of sexual harassment, the Title IX sexual harassment grievance process will be followed, as applicable. When the behavior is sexual harassment, the Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.

School Personnel Responsibilities and Complaint Procedures

Hazing, bullying behavior and/or dating violence by any student/school personnel in the Educational Service Center is strictly prohibited, and such conduct may result in disciplinary action, up to and including suspension and/or expulsion from school. Hazing, bullying and/or dating violence means any intentional written, verbal, graphic or physical acts, including electronically transmitted acts, either overt or covert, by a student or group of students toward other students/school personnel with the intent to haze, harass, intimidate, injure, threaten, ridicule or humiliate. Such behaviors are prohibited on or immediately adjacent to school grounds, at any school-sponsored activity; in any Educational Service Center publication; through the use of any Educational Service Center-owned or operated communication tools, including but not limited to Educational Service Center email accounts and/or computers; on school-provided transportation or at any official school bus stop.

Hazing, bullying and/or dating violence can include many different behaviors. Examples of conduct that could constitute prohibited behaviors include, but are not limited to:

1. physical violence and/or attacks;
2. threats, taunts and intimidation through words and/or gestures;
3. extortion, damage or stealing of money and/or possessions;
4. exclusion from the peer group or spreading rumors;
5. repetitive and hostile behavior with the intent to harm others through the use of information and communication technologies and other Web-based/online sites (also known as “cyberbullying”), such as the following:

- A. posting slurs on websites, social networking sites, blogs or personal online journals;
 - B. sending abusive or threatening emails, website postings or comments and instant messages;
 - C. using camera phones to take embarrassing photographs or videos of students and/or distributing or posting the photos or videos online and
 - D. using websites, social networking sites, blogs or personal online journals, emails or instant messages to circulate gossip and rumors to other students.
6. excluding others from an online group by falsely reporting them for inappropriate language to internet service providers.

In evaluating whether conduct constitutes hazing or bullying, special attention is paid to the words chosen or the actions taken, whether such conduct occurred in front of others or was communicated to others, how the perpetrator interacted with the victim and the motivation, either admitted or appropriately inferred.

Teachers and Other School Staff

Teachers and other school staff who witness acts of hazing, bullying and/or dating violence, as defined above, promptly notify the building principal/designee of the event observed, and promptly file a written incident report concerning the events witnessed.

Teachers and other school staff who receive student or parent reports of suspected hazing, bullying and/or dating violence promptly notify the building principal/designee of such report(s). If the report is a formal, written complaint, the complaint is forwarded to the building principal/designee no later than the next school day. If the report is an informal complaint by a student that is received by a teacher or other professional employee, he/she prepares a written report of the informal complaint that is forwarded to the building principal/designee no later than the next school day.

Complaints

1. Formal Complaints

Students and/or their parents or guardians may file reports regarding suspected hazing, harassment, intimidation, bullying and/or dating violence. The reports should be written. Such written reports must be reasonably specific including person(s) involved; number of times and places of the alleged conduct; the target of suspected harassment, intimidation and/or bullying and the names of any potential student or staff witnesses. Such reports may be filed with any school staff member or administrator. They are promptly forwarded to the building principal/designee for review and action. 2 of 6

2. Informal Complaints

Students, parents or guardians and school personnel may make informal complaints of conduct that they consider to be harassment, intimidation and/or bullying by verbal report to a teacher, school administrator or other school personnel. Such informal complaints must be reasonably specific as to the actions giving rise to the suspicion of hazing, harassment, intimidation and/or bullying, including person(s) involved, number of times and places of the alleged conduct, the target of the prohibited behavior(s) and the names of any potential student or staff witness. The school staff member or administrator who receives the informal complaint promptly documents the complaint in writing, including the above information. This written report by the school staff member and/or administrator is promptly forwarded to the building principal/designee for review and action.

3. Anonymous Complaints

Students who make informal complaints as set forth above may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint. The anonymous complaint is reviewed and reasonable action is taken to address the situation, to the extent such action (1) does not disclose the source of the complaint, and (2) is consistent with the due process rights of the student(s) alleged to have committed acts of hazing, bullying and/or dating violence.

4. False Complaints

Students are prohibited from deliberately making false complaints of harassment, intimidation or bullying. Students found responsible for deliberately making false reports of harassment, intimidation or bullying may be subject to a full range of disciplinary consequences.

Intervention Strategies

1. Teachers and Other School Staff

In addition to addressing both informal and formal complaints, school personnel are encouraged to address the issue of hazing, bullying and/or dating violence in other interactions with students.

School personnel may find opportunities to educate students about harassment, hazing, intimidation and bullying and help eliminate such prohibited behaviors through class discussions, counseling and reinforcement of socially appropriate behavior. School personnel should intervene promptly whenever they observe student conduct that has the purpose or effect of ridiculing, humiliating or intimidating another student/school personnel, even if such conduct does not meet the formal definition of harassment, hazing, intimidation or bullying.

2. Administrator Responsibilities

A. Investigation

The principal/designee is notified of any formal or informal complaint of suspected harassment, hazing, intimidation or bullying. Under the direction of the building principal/designee, all such complaints are investigated promptly. A written report of the investigation is prepared when the investigation is complete. The report includes findings of fact, a determination of whether acts of hazing, bullying and/or dating violence were verified, and when prohibited acts are verified, a recommendation for intervention, including disciplinary action, is included in the report. Where appropriate, written witness statements are attached to the report.

Notwithstanding the foregoing, when a student making an informal complaint has requested anonymity, the investigation of such complaint is limited as is appropriate in view of the anonymity of the complaint. Such limitation of the investigation may include restricting action to a simple review of the complaint (with or without discussing it with the alleged perpetrator), subject to receipt of further information and/or the withdrawal by the complaining student of the condition that his/her report be anonymous.

When hazing and/or bullying is based on race, color, national origin, sex, or disability, and the behavior creates a hostile environment, the hazing and bullying investigation where applicable nondiscrimination grievance procedures are implemented.

B. Nondisciplinary Interventions

When verified acts of hazing, bullying and/or dating violence are identified early and/or when such verified acts do not reasonably require a disciplinary response, students may be counseled as to the definition of the behavior, its prohibition and their duty to avoid any conduct that could be considered harassing, hazing, intimidating and/or bullying.

If a complaint arises out of conflict between students or groups of students, peer mediation may be considered. Special care, however, is warranted in referring some cases to peer mediation. A power imbalance may make the process intimidating for the victim and therefore inappropriate. The victim's communication and assertiveness skills may be low and could be further eroded by fear resulting from past intimidation and fear of future intimidation. In such cases, the victim should be given additional support. Alternatively, peer mediation may be deemed inappropriate to address the concern.

C. Disciplinary Interventions

When acts of harassment, intimidation and bullying are verified and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences. Discipline procedures will not infringe on any student's rights under the First Amendment to the Constitution of the United States.

Anonymous complaints that are not otherwise verified, however, cannot provide the basis for disciplinary action.

In and out-of-school suspension may be imposed only after informing the accused perpetrator of the reasons for the proposed suspension and giving him/her an opportunity to explain the situation.

Expulsion may be imposed only after a hearing before the Board, a committee of the Board or an impartial hearing officer designated by the Board in accordance with Board policy. This consequence is reserved for serious incidents of harassment, intimidation or bullying and/or when past interventions have not been successful in eliminating prohibited behaviors.

Allegations of criminal misconduct are reported to law enforcement, and suspected child abuse is reported to Child Protective Services, per required timelines.

Report to the Custodial Parent or Guardian of the Perpetrator

If, after investigation, acts of harassment, intimidation and bullying by a specific student are verified, the building principal/designee notifies the custodial parent or guardian of the perpetrator, in writing, of that finding. If disciplinary consequences are imposed against such student, a description of such discipline is included in such notification.

Strategies are developed and implemented to protect students from new or additional harassment, intimidation or bullying, and from retaliation following reporting of incidents.

Reports to the Victim and His/Her Custodial Parent or Guardian

If, after investigation, acts of bullying or hazing against a specific student are verified, the building principal/designee notifies the custodial parent/guardian of the victim of the finding. In providing such notification, care must be taken to respect the statutory privacy rights of the perpetrator.

Bullying matters, including the identity of both the charging party and the accused, are kept confidential to the extent possible. Although discipline may be imposed against the accused upon a finding of guilt, retaliation is prohibited. School administrators shall notify both the custodial parents or guardians of a student who commits acts of harassment, intimidation, bullying and/or dating violence and the custodial parents or guardians of students against whom such acts were committed, and shall allow access to any written reports pertaining to the incident, to the extent permitted by law.

Police and Child Protective Services

In addition to, or instead of, filing a complaint through this policy, a complainant may choose to exercise other options including, but not limited to, filing a complaint with outside agencies or filing a private lawsuit. Nothing prohibits a complainant from seeking redress under any other provision of State law or common law that may apply.

The Educational Service Center must also investigate incidents of hazing, bullying and/or dating violence for the purpose of determining whether there has been a violation of Educational Service Center policy or regulations, even if law enforcement and/or the public children's services are also investigating. All Educational Service Center personnel must cooperate with investigations by outside agencies.

(Approval date: April 24, 2017)
[Re-approval date: October 26, 2020]

a recommendation for intervention, including disciplinary action shall be included in the report. Where appropriate, written witness statements shall be attached to the report.

Parents or guardians of any student involved in a prohibited incident shall be notified and have access to any written reports pertaining to the prohibited incident to the extent permitted by law. A copy of the complete report and any documentation resulting from the investigation must be submitted to the Title IX/Sexual Harassment Grievance officer. All such records shall be maintained as confidential to the extent permitted by law and kept in a ESC file.

Verified acts of harassment, intimidation or bullying shall result in an intervention *by* the building administrator that is intended to ensure that the prohibition against harassment, intimidation or bullying behavior is enforced, with the goal that any such prohibited behavior will cease.

Interventions for those guilty of harassment, intimidation or bullying may be disciplinary or non-disciplinary in nature and may include, but are not limited to, counseling, peer mediation, and the full range of disciplinary consequences per the student code of conduct. Interventions for a victim of harassment, intimidation or bullying will be designed to protect the student/individual from additional harassment, intimidation or bullying and from retaliation for reporting such acts. These may include, but are not limited to, intensified supervision of the offending student/individual and victim, counseling, and regular follow-up with the victim/family.

The Title IX/Sexual Harassment Grievance officer will provide the President of the Board a written summary of all reported incidents and post the summary on the ESC Web site on a semi-annual basis. The list shall be limited to the number of verified acts of harassment, intimidation and bullying, which have occurred in the classroom, on school property, at school-sponsored events, or at any other time when those involved were subject to the authority of the school. -

The administration provides training on the ESC's Anti-Harassment, Anti-Intimidation Or Anti-Bullying policy to ESC employees and volunteers who have direct contact with students. Additional training is provided to elementary employees in violence and substance abuse prevention and positive youth development.

ESC employees, students and volunteers have qualified civil immunity for damages arising from reporting an incident of hazing and/or bullying. Administrators, teachers, other employees and students who fail to abide by this policy may be subject to disciplinary action and may be liable for civil and criminal penalties in compliance with State and Federal law.

No one is permitted to retaliate against an employee or student because he/she files a grievance or assists or participates in an investigation, proceeding or hearing regarding the charge of hazing and/or bullying of an individual

School Personnel Responsibilities and Complaint Procedures

Hazing, bullying behavior and/or dating violence by any student/school personnel in the ESC is strictly prohibited, and such conduct may result in disciplinary action, including suspension and/or expulsion from school. Hazing bullying and/or dating violence means any intentional written, verbal, graphic or physical acts, including electronically transmitted acts, either overt or covert, by a student or group of students toward other students/school personnel with the intent to haze, harass, intimidate, injure, threaten, ridicule or humiliate. Such behaviors are prohibited on or immediately adjacent to school grounds, at any school-sponsored activity; in any ESC publication; through the use of any ESC-owned or operated communication tools, including but not limited to ESC e-mail accounts and/or computers; on school-provided transportation or at any official school bus stop.

In evaluating whether conduct constitutes hazing or bullying, special attention is paid to the words chosen or the actions taken, whether such conduct occurred in front of others or was communicated to others, how the perpetrator interacted with the victim and the motivation, either admitted or appropriately inferred.

Teachers and Other School Staff

Teachers and other school staff who receive student or parent reports of suspected hazing, bullying and/or dating violence promptly notify the building principal/designee of such report(s). If the report is a formal, written complaint, the complaint is forwarded to the building principal/designee no later than the next school day. If the report is an informal complaint by a student that is received by a teacher or other certified employee, he/she prepares a written report of the informal complaint that is forwarded to the building principal/designee no later than the next school day.

Complaints

1. Formal Complaints

Students and/or their parents or guardians may file reports regarding suspected hazing, harassment, intimidation, bullying and/or dating violence. The reports should be written. Such written reports must be reasonably specific including person(s) involved; number of times and places of the alleged conduct; the target of suspected harassment, intimidation and/or bullying and the names of any potential student or staff witnesses. Such reports may be filed with any school staff member or administrator. They are promptly forwarded to the building principal/designee for review and action.

2. Informal Complaints

Students, parents or guardians and school personnel may make informal complaints of

conduct that they consider to be harassment, intimidation and/or bullying by verbal report to a teacher, school administrator or other school personnel. Such informal complaints must be reasonably specific as to the actions giving rise to the suspicion of hazing, harassment, intimidation and/or bullying, including person(s) involved, number of times and places of the alleged conduct, the target of the prohibited behavior(s) and the names of any potential student or staff witness. The school staff member or administrator who receives the informal complaint promptly documents the complaint in writing, including the above information. This written report by the school staff member and/or administrator is promptly forwarded to the building principal/designee for review and action.

3. Anonymous Complaints

Students who make informal complaints as set forth above may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint. The anonymous complaint is reviewed and reasonable action is taken to address the situation, to the extent such action (1) does not disclose the source of the complaint, and (2) is consistent with the due process rights of the student(s) alleged to have committed acts of hazing, bullying and/or dating violence.

Intervention Strategies

1. Teachers and Other School Staff

In addition to addressing both informal and formal complaints, school personnel are encouraged to address the issue of hazing, bullying and/or dating violence in other interactions with students.

School personnel may find opportunities to educate students about harassment, hazing, intimidation and bullying and help eliminate such prohibited behaviors through class discussions, counseling and reinforcement of socially appropriate behavior. School personnel should intervene promptly whenever they observe student conduct that has the purpose or effect of ridiculing, humiliating or intimidating another student/school personnel, even if such conduct does not meet the formal definition of harassment, hazing, intimidation or bullying.

2. Administrator Responsibilities

A. Investigation

The principal/designee is notified of any formal or informal complaint of suspected harassment, hazing, intimidation or bullying. Under the direction of the building principal/designee, all such complaints are investigated promptly. A written report of the investigation is prepared when the investigation is complete.

The report includes findings of fact, a determination of whether acts of hazing, bullying and/or dating violence were verified, and when prohibited acts are verified, a recommendation for intervention, including disciplinary action, is included in the report. Where appropriate, written witness statements are attached to the report.

Notwithstanding the foregoing, when a student making an informal complaint has requested anonymity, the investigation of such complaint is limited as is appropriate in view of the anonymity of the complaint. Such limitation of the investigation may include restricting action to a simple review of the complaint (with or without discussing it with the alleged perpetrator), subject to receipt of further information and/or the withdrawal by the complaining student of the condition that his/her report be anonymous.

B. Nondisciplinary Interventions

When verified acts of hazing, bullying and/or dating violence are identified early and/or when such verified acts do not reasonably require a disciplinary response, students may be counseled as to the definition of the behavior, its prohibition and their duty to avoid any conduct that could be considered harassing, hazing, intimidating and/or bullying.

If a complaint arises out of conflict between students or groups of students, peer mediation may be considered. Special care, however, is warranted in referring some cases to peer mediation. A power imbalance may make the process intimidating for the victim and therefore inappropriate. The victim's communication and assertiveness skills may be low and could be further eroded by fear resulting from past intimidation and fear of future intimidation. In such cases, the victim should be given additional support. Alternatively, peer mediation may be deemed inappropriate to address the concern.

C. Disciplinary Interventions

When acts of harassment, intimidation and bullying are verified and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences. Anonymous complaints that are not otherwise verified, however, cannot provide the basis for disciplinary action.

In and out-of-school suspension may be imposed only after informing the accused perpetrator of the reasons for the proposed suspension and giving him/her an opportunity to explain the situation.

Expulsion may be imposed only after a hearing before the Board of Education, a committee of the Board or an impartial hearing officer

designated by the Board of Education in accordance with Board policy. This consequence is reserved for serious incidents of harassment, intimidation or bullying and/or when past interventions have not been successful in eliminating prohibited behaviors.

Allegations of criminal misconduct are reported to law enforcement, and suspected child abuse is reported to Child Protective Services, per required timelines.

Report to the Parent or Guardian of the Perpetrator

If, after investigation, acts of harassment, intimidation and bullying by a specific student are verified, the building principal/designee notifies the parent or guardian of the perpetrator, in writing, of that finding. If disciplinary consequences are imposed against such student, a description of such discipline is included in such notification.

Strategies are developed and implemented to protect students from additional harassment, intimidation or bullying, and from retaliation following reporting of incidents.

Reports to the Victim and His/Her Parent or Guardian

If, after investigation, acts of bullying or hazing against a specific student are verified, the building principal/designee notifies the parent/guardian of the victim of the finding. In providing such notification, care must be taken to respect the statutory privacy rights of the perpetrator.

Bullying matters, including the identity of both the charging party and the accused, are kept confidential to the extent possible. Although discipline may be imposed against the accused upon a finding of guilt, retaliation is prohibited.

School administrators shall notify both the parents of a student who commits acts of harassment, intimidation, bullying and/or dating violence and the parents or guardians of students against whom such acts were committed, and shall allow access to any written reports pertaining to the incident, to the extent permitted by law.

Police and Child Protective Services

In addition to, or instead of, filing a complaint through this policy, a complainant may choose to exercise other options including, but not limited to, filing a complaint with outside agencies or filing a private lawsuit. Nothing prohibits a complainant from seeking redress under any other provision of the Ohio Revised Code or common law that may apply.

The ESC must also investigate incidents of hazing, bullying and/or dating violence for the purpose of determining whether there has been a violation of ESC policy or regulations, even if law enforcement and/or the public children's services are also investigating. All ESC personnel must cooperate with investigations by outside agencies.

[Adoption date: December 11, 2009]
[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 117.53
2307.44
2903.31
3301.22
3313.666; 3313.667
3319.073

CROSS REFS.: AC, Nondiscrimination/Harassment
EDE, Computer/Online Services (Acceptable Use and Internet Safety)
IIBH, ESC Website Publishing
JHG, Reporting Child Abuse
Student Handbooks

ANTI-HARASSMENT, ANTI-INTIMIDATION OR ANTI-BULLYING

The Medina County Schools' ESC prohibits acts of harassment, intimidation or bullying. The ESC has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment.

Harassment, intimidation or bullying of students, school personnel, school volunteers, or others engaged in ESC business is prohibited, whether in the classroom, on school property, on school buses or vehicles, at school-sponsored events, or at any time when subject to the authority of the school.

"Harassment, intimidation or bullying" means any intentional written, verbal, graphic, electronic, or physical act that a student/individual has exhibited toward another particular student/individual more than once and the behavior both:

- I. Causes mental or physical harm to the other student/individual, and
2. Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student/individual.

Permission, consent or assumption of risk by an individual subjected to hazing, bullying and/or dating violence does not lessen the prohibition contained in this policy.

The ESC includes, within the health curriculum, age-appropriate instruction in dating violence prevention education in grades 7 to 12. This instruction includes recognizing warning signs of dating violence and the characteristics of healthy relationships.

Reports regarding suspected harassment, intimidation or bullying should be made in writing and shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected harassment, intimidation and/or bullying, and the names of any potential witnesses. Such reports are to be filed with the Superintendent.

ESC staff members, who witness acts of harassment, intimidation or bullying, as defined above, shall promptly notify the Superintendent of the event observed, and must promptly file a written incident report concerning the events witnessed.

All complaints of harassment, intimidation or bullying shall be investigated promptly by an appropriate administrator. A written report of the investigation shall be prepared when the investigation is complete. Such report shall include findings of fact, a determination of whether acts of harassment, intimidation or bullying were verified, and, when prohibited acts are verified,

a recommendation for intervention, including disciplinary action shall be included in the report. Where appropriate, written witness statements shall be attached to the report.

Parents or guardians of any student involved in a prohibited incident shall be notified and have access to any written reports pertaining to the prohibited incident to the extent permitted by law. A copy of the complete report and any documentation resulting from the investigation must be submitted to the Title IX/Sexual Harassment Grievance officer. All such records shall be maintained as confidential to the extent permitted by law and kept in a ESC file.

Verified acts of harassment, intimidation or bullying shall result in an intervention *by* the building administrator that is intended to ensure that the prohibition against harassment, intimidation or bullying behavior is enforced, with the goal that any such prohibited behavior will cease.

Interventions for those guilty of harassment, intimidation or bullying may be disciplinary or non-disciplinary in nature and may include, but are not limited to, counseling, peer mediation, and the full range of disciplinary consequences per the student code of conduct. Interventions for a victim of harassment, intimidation or bullying will be designed to protect the student/individual from additional harassment, intimidation or bullying and from retaliation for reporting such acts. These may include, but are not limited to, intensified supervision of the offending student/individual and victim, counseling, and regular follow-up with the victim/family.

The Title IX/Sexual Harassment Grievance officer will provide the President of the Board a written summary of all reported incidents and post the summary on the ESC Web site on a semi-annual basis. The list shall be limited to the number of verified acts of harassment, intimidation and bullying, which have occurred in the classroom, on school property, at school-sponsored events, or at any other time when those involved were subject to the authority of the school. -

The administration provides training on the ESC's Anti-Harassment, Anti-Intimidation Or Anti-Bullying policy to ESC employees and volunteers who have direct contact with students. Additional training is provided to elementary employees in violence and substance abuse prevention and positive youth development.

ESC employees, students and volunteers have qualified civil immunity for damages arising from reporting an incident of hazing and/or bullying. Administrators, teachers, other employees and students who fail to abide by this policy may be subject to disciplinary action and may be liable for civil and criminal penalties in compliance with State and Federal law.

No one is permitted to retaliate against an employee or student because he/she files a grievance or assists or participates in an investigation, proceeding or hearing regarding the charge of hazing and/or bullying of an individual

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In evaluating whether conduct constitutes hazing or bullying, special attention is paid to the words chosen or the actions taken, whether such conduct occurred in front of others or was communicated to others, how the perpetrator interacted with the victim and the motivation, either admitted or appropriately inferred.

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3. Anonymous Complaints

Students who make informal complaints as set forth above may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint. The anonymous complaint is reviewed and reasonable action is taken to address the situation, to the extent such action (1) does not disclose the source of the complaint, and (2) is consistent with the due process rights of the student(s) alleged to have committed acts of hazing, bullying and/or dating violence.

Intervention Strategies

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In addition to addressing both informal and formal complaints, school personnel are encouraged to address the issue of hazing, bullying and/or dating violence in other interactions with students.

School personnel may find opportunities to educate students about harassment, hazing, intimidation and bullying and help eliminate such prohibited behaviors through class discussions, counseling and reinforcement of socially appropriate behavior. School personnel should intervene promptly whenever they observe student conduct that has the purpose or effect of ridiculing, humiliating or intimidating another student/school personnel, even if such conduct does not meet the formal definition of harassment, hazing, intimidation or bullying.

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The report includes findings of fact, a determination of whether acts of hazing, bullying and/or dating violence were verified, and when prohibited acts are verified, a recommendation for intervention, including disciplinary action, is included in the report. Where appropriate, written witness statements are attached to the report.

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Reports to the Victim and His/Her Parent or Guardian

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School administrators shall notify both the parents of a student who commits acts of harassment, intimidation, bullying and/or dating violence and the parents or guardians of students against whom such acts were committed, and shall allow access to any written reports pertaining to the incident, to the extent permitted by law.

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In addition to, or instead of, filing a complaint through this policy, a complainant may choose to exercise other options including, but not limited to, filing a complaint with outside agencies or filing a private lawsuit. Nothing prohibits a complainant from seeking redress under any other provision of the Ohio Revised Code or common law that may apply.

The ESC must also investigate incidents of hazing, bullying and/or dating violence for the purpose of determining whether there has been a violation of ESC policy or regulations, even if law enforcement and/or the public children's services are also investigating. All ESC personnel must cooperate with investigations by outside agencies.

[Adoption date: December 11, 2009]
[Re-adoption date: September 26, 2011]

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CROSS REFS.: AC, Nondiscrimination/Harassment
EDE, Computer/Online Services (Acceptable Use and Internet Safety)
IIBH, ESC Website Publishing
JHG, Reporting Child Abuse
Student Handbooks

TOBACCO USE BY STUDENTS

Health professionals have determined that the use of tobacco products can be detrimental to one's health. The Board wishes to encourage good health practices among the students assigned to the Educational Service Center, as well as compliance with Federal and State law. Therefore, the Board prohibits the smoking, use or possession of tobacco in any form by any student in any area or vehicle under the control of the Educational Service Center or at any activity supervised by the Educational Service Center.

"Tobacco" is defined as any product made or derived from tobacco or containing any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means including but not limited to: any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, alternative nicotine products, electronic smoking devices, vapor products, any other smoking product, and spit tobacco, also known as smokeless, dip, chew, and snuff, in any form.

Disciplinary measures taken against students for violations of this policy comply with the requirements of State law and related District policies, of the student's home district.

[Adoption date: October 29, 2007]
[Re-adoption date: September 26, 2011]
[Re-adoption date: June 25, 2018]
[Re-adoption date: November 18, 2019]

LEGAL REFS.: The Elementary and Secondary Education Act; 20 USC 1221 et seq.
Goals 2000: Educate America Act; 20 USC 6081 through 6084
ORC 3313.66; 3313.661; 3313.751
3794.01; 3794.02; 3794.04; 3794.06
OAC 3301-35-02; 3301-35-04

CROSS REFS.: JFA, Student Due Process Rights
JFC, Student Conduct (Zero Tolerance)
JGD, Student Suspension
JGE, Student Expulsion
Student Handbooks

ALCOHOL USE BY STUDENTS/STUDENT DRUG ABUSE

The Board recognizes its share of the responsibility for the health, welfare and safety of the students who attend the ESC programs. The Board is concerned about the problems of alcohol and drug abuse and recognizes that illegal or inappropriate use of alcohol, narcotic drugs, depressants or other controlled substances is wrong and harmful and constitutes a hazard to the positive development of all students.

The Board does not permit any student to possess, transmit, conceal, offer for sale, consume, show evidence of having consumed or used any alcoholic beverages, illegal drugs, unprescribed drugs, look-alike drugs or any mind-altering substance while on ESC grounds or facilities; at sponsored events; in other situations under the authority of the ESC or in ESC-owned or ESC-approved vehicles. Included in this prohibition are any substances represented as a controlled substance, nonalcoholic beers, steroids, tobacco and tobacco products and drug paraphernalia.

The Board wishes to emphasize the following requirements:

1. A student is required to obey existing laws on ESC grounds and while involved in ESC activities. ESC authorities have the same responsibility as any other citizen to report violations of the law. The final disposition of any problem, however, is determined by the program supervisor with due consideration of the welfare of the student and of any other relevant factors involved.
2. Discipline is imposed independent of court action. Students are subject to immediate suspension or expulsion proceedings for possession or use of illegal drugs or alcoholic beverages.
3. Parents and students are given a copy of the standards of conduct and the statement of disciplinary sanctions and are notified that compliance with the standards of conduct is mandatory.
4. If conditions warrant, the administration refers the student for prosecution and offers full cooperation in a criminal investigation.
5. A reduction in penalty may be considered if the student receives professional assistance. Professional assistance may include but not be limited to an alcohol/drug education program; assessment with follow-through based on the assessment findings, counseling, outpatient treatment or inpatient treatment.

The Superintendent establishes and the Board considers for approval detailed procedures for dealing with students who may have a drug or alcohol problem. These procedures are in compliance with all applicable laws and observed by all staff members. It is the desire of the Board for students with problems to feel secure enough to ask for help from any staff member. Confidentiality shall be maintained within the limits of the law. The long-range welfare of the student is paramount.

[Adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: Drug-Free Campus and Schools Act; 20 USC 3224(a)
ORC 2925.01; 2925.11; 2925.14; 2925.37
3313.66; 3313.661
3719.011; 3719.41

CROSS REFS.: IGAG, Drugs, Alcohol and Tobacco Education
JHCD, Administering Medicines to Students
Student Code of Conduct
Student Handbooks

WEAPONS IN THE ESC

The Board is committed to providing the students of the ESC with an educational environment, which is free of the dangers of firearms, knives and other weapons.

The definition of a firearm is any weapon (including a starter gun) which is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer or any destructive device (as defined in 18 U.S.C.A. Section 921), which includes any explosive, incendiary or poisonous gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or device similar to any of the devices described above. A knife is defined as a cutting instrument having a sharp blade.

The Board prohibits students from knowingly possessing an object on school premises, in a school or a school building, at a school activity or on a school vehicle if both of the following apply.

1. The object is indistinguishable from a firearm, whether or not the object is capable of being fired.
2. The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.

As defined by State law and for purposes of this policy, an “object that is indistinguishable from a firearm” means an object made, constructed or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm.

Students found in violation of numbers 1 and 2 above may be reported to the local law enforcement authority and may be prosecuted under State criminal statutes, as well as disciplined in accordance with the provisions of the ESC’s Student Code of Conduct and State law.

[Adoption date: September 26, 2011]

LEGAL REFS.: 18 USC 921
20 USC 2701 et seq., Title IX 9001-9005
Gun-Free Schools Act; 20 USC 8921
ORC 2923.122
3313.66; 3313.661; 3313.662
3321.13

CROSS REF.: Student Handbooks
Staff Handbooks

INTERROGATIONS AND SEARCHES

The ESC has responsibility for the control and management of students during the school day and hours of approved extracurricular activities. While discharging its responsibility, the administration is to make an effort to protect each student's rights with respect to interrogations by law enforcement officials. The administration has developed regulations to be followed in the case of searches and interrogations.

The right to inspect students' school lockers, desks or articles carried upon their persons and to interrogate an individual student is inherent in the authority granted school boards. All searches are conducted sparingly and only when such search is reasonably likely to produce tangible results to preserve discipline and good order and the safety and security of persons and their property. The Board permits building administrators/designees to search any unattended bag for safety and identification purposes.

Student lockers, desks are the property of the ESC, and since random searches have a positive impact on reducing drugs and other criminal activity, the Board permits building administrators/designees to search any locker, **or desk** and its contents as the administrator/designee believes necessary. Such notice will be posted at or near the entrance to the each ESC classroom.

The Board directs the Superintendent to authorize the use of dogs trained in detecting the presence of drugs and explosive devices. The dogs may be used to patrol the school facilities and grounds, including the lockers, desks and parking areas. Use of dogs may be unannounced and random. If a trained canine alerts to a particular vehicle, locker, desk, or other container, it shall create reasonable suspicion to search that vehicle, locker, desk, or container in accordance with this policy.

[Adoption date: April 24, 2017]

[Re-adoption date: June 25, 2018]

LEGAL REFS.: U.S. Const. Amend. IV
ORC 3313.20

CROSS REFS.: JF, Student Rights and Responsibilities
JHG, Reporting Child Abuse

INTERROGATIONS AND SEARCHES

Searches of School Property Assigned to a Student

The following rules apply to the search of ESC school property assigned to a student (locker, desk, etc.) and the seizure of items in his/her possession.

1. General housekeeping inspection of school property may be conducted with reasonable notice. Random searches of lockers may be conducted.
2. A search of a desk or other storage space may be conducted when there exists reasonable suspicion for school authorities to believe that the area being searched contains evidence of a crime or violation of school rules.
3. Search of an area assigned to a student should be for a specifically identified item and should be conducted in his/her presence and with his/her knowledge.
4. Items, the possession of which constitutes a crime or violation of school rules, or any other possessions reasonably determined to be a threat to the safety or security of others may be seized by school authorities at any time.

Searches of a Student's Person or Personal Property by School Personnel

Building administrators/designees are permitted to search the person and personal property (purse, backpack, gym bag, etc.) of a student where there is reason to believe that evidence will be obtained indicating the student's violation of either the law or school rules. The following rules apply in such cases.

1. There should be reasonable suspicion to believe that the search will result in obtaining evidence that indicates the student's violation of the law or school rules.
2. Searches of a student's person are conducted by a member of the same sex as the student.
3. Searches are conducted in the presence of another administrator or staff member.
4. Parents of a minor student who is the subject of a search are notified of the search and are given the reason(s) for the search as soon as feasible after completion of the search.
5. When evidence is uncovered indicating that a student may have violated the law, law enforcement officials shall be notified.

6. Strip searches will not be conducted by ESC

personnel. Searches of Unattended Bags by School Personnel

Building administrators/designees are permitted to search any unattended bag found on ESC property for safety and identification purposes. Once the administrator/designee has determined the identity of the owner and that no safety or security issue exists, any subsequent searches of the item are based upon reasonable suspicion.

Searches of Student Property by Law Enforcement Officials

A law enforcement agency must have probable cause or produce a warrant prior to conducting any search of a student's personal property kept on school premises. When the law enforcement officials have reason to believe that any item which might pose an immediate threat to the safety or security of others is kept in a student locker, desk or other storage space, searches may be conducted without a previously issued warrant. This provision does not apply to students who are on court appointed probation.

Interrogations by Law Enforcement Officials

The schools have legal custody of students during the school day and during hours of approved extracurricular activities. It is the responsibility of the school administration to try to protect each student under its control; therefore, the following steps shall be taken. This provision does not apply to students who are on court appointed probation.

1. The questioning of students by law enforcement agencies is limited to situations where parental consent has been obtained or the ESC school official has made an independent determination that reasonable grounds exist for conducting an interrogation during school hours.
2. Whenever possible, law enforcement officials should contact and/or question students out of school. When it is absolutely necessary for an officer to make a school contact with a student, the ESC school authorities will bring the student to a private room and the contact is made out of the sight of others as much as possible.
3. An ESC Administrator must be notified before a student may be questioned in school or taken from a classroom.
4. The ESC administration shall attempt to notify the parent(s) of the student to be interviewed by the law enforcement officials before questioning begins, unless extenuating circumstances dictate that this not be done.

5. To avoid possible criticism, an ESC school official requests to be present when an interrogation takes place within the school.
6. When law enforcement officials remove a student from school, the ESC administration will make an attempt to notify the parent(s).
7. Law enforcement officials should always be notified by the ESC school official whenever a student is involved in any type of criminal activity. When the ESC school official learns of this involvement, he/she should notify the juvenile officer or detective bureau of the law enforcement agency. The school should not attempt to handle matters that are properly in the realm of a law enforcement agency.

(Approval date: April 24, 2017)

[Re-adoption date: June 25, 2018]

STUDENT DISCIPLINE

Effective discipline, which requires respect for the rights of others, is necessary if all students are to attain a quality education. The Board delegates to school officials the authority to enforce District policies, regulations and school rules governing student conduct.

A complete statement governing or describing all the relationships and processes involved in student discipline would be very extensive. The most important part of such a statement would be the relationship of the teacher and the principal in matters of discipline. Teachers must feel free to consult and work closely with the building principal in dealing with any problem with which the teacher might need guidance. This working relationship is one key to desirable discipline and a quality instructional environment.

The Board also believes that the teacher-student relationship in the classroom, halls and on school property is important and should be one of mutual respect at all times. The teacher is recognized as the person in authority at all times in the classroom, halls, buildings, school grounds and at school-related events.

Each case of unsatisfactory behavior by a student is handled individually. The classroom teacher may take the steps that he/she believes are justified in each case. If the student does not respond to these measures, the teacher then refers the student to the principal.

When an employee has actual knowledge that the behavior is sexual harassment, the Title IX Coordinator must be contacted. The Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.

In terms of the relationship of the teacher and principal in discipline matters, the Board expects that whenever a discipline problem appears to extend beyond the classroom, the teacher discusses the problem with the principal. The teacher(s) and the principal work together in attempting to control or correct the problem.

A student's failure to comply with the requirements for conduct outlined in the student handbooks may result in the student being disciplined. A student cannot be suspended, expelled or removed from school solely because of unexcused absences. The student may lose all rights to participate in school-related social events or extracurricular activities for a period of time determined by the principal. Depending on the seriousness of the offense committed by the student, suspension or expulsion may also result. Discipline is always administered in a reasonable manner.

If several methods of discipline have been used in an effort to solve a problem and it appears necessary, in the judgment of the principal and Superintendent, to discipline or withdraw privileges from a large group, this action may be taken. Any punishment technique involving an entire class or large group is used only as a last resort.

[Adoption date: April 24, 2017]
[Re-adoption date: May 20, 2019]
[Re-adoption date: October 26, 2020]

LEGAL REFS.: Education Amendments of 1972, Title IX; 20 USC 1681 et seq.
ORC 3313.20; 3313.66; 3313.661; 3313.662; 3313.668
3319.41
OAC 3301-32-09
3301-37-10

CROSS REFS.: ACAA, Sexual Harassment
ECAB, Vandalism
IGD, Cocurricular and Extracurricular Activities
JFC, Student Conduct (Zero Tolerance)
JGA, Corporal Punishment
JGD, Student Suspension
JGDA, Emergency Removal of Student
JGE, Student Expulsion
Student Handbooks

EMERGENCY REMOVAL OF STUDENT

If a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, the Superintendent or personnel employed to direct or supervise a student activity program may remove the student from the premises.

In an emergency removal, a student can be kept from class until the matter of the alleged misconduct is disposed of either by reinstatement or suspension/expulsion by the student's assigned school district.

In all cases of normal disciplinary procedures in which a student is removed from a curricular activity for less than 24 hours and is not subject to further suspension or expulsion by the student's assigned school district, due process requirements do not apply.

[Adoption date: November 17, 2003]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 3313.66; 3313.661; 3313.662

CROSS REF.: JFCJ, Weapons in the ESC

STUDENT HEALTH SERVICES AND REQUIREMENTS

The Board realizes the responsibility of the ESC to help protect and improve the health of students. The Pre-School Director will be responsible for the administration of the health program in his/her particular school.

Each school will have on file for each student an emergency medical authorization form providing information from the parent/guardian on how he/she wishes the ESC to proceed in event of a health emergency involving the student and a release for the ESC in case emergency action must be taken.

[Adoption date: December 11, 2009]

[Re-adoption date: September 26, 2011]

LEGAL REFS.:ORC 3313.50; 3313.67-3313.73
OAC 3301-35-03(D)

CROSS REF.: IGBA, Programs for Students with Disabilities

IMMUNIZATIONS

In order to minimize the spread of preventable illnesses in the ESC and provide students with a healthier learning environment, the Board requires immunizations in compliance with State law and the Ohio Department of Health for each student unless the parent(s) file an objection. The Board may also require tuberculosis examinations in compliance with law.

[Adoption date: November 14, 2016]

[Re-adoption date: April 24, 2017]

LEGAL REFS.: ORC 3313.67; 3313.671; 3313.71; 3313.711
3701.13

CROSS REFS.: JEC, School Admission
JECAA, Admission of Homeless Students
JHCA, Physical Examinations of Students
JHCC, Communicable Diseases

COMMUNICABLE DISEASES

The Board recognizes that control of the spread of contagious disease is essential to the well-being of the school community and to the efficient operation of the ESC.

In order to protect the health and safety of the students, ESC personnel, and the community at large, the Board shall follow all State statutes and Ohio Department of Education guidelines and recommendations.

For the purpose of this policy, "contagious disease" shall include diphtheria, scarlet fever and other strep infections, whooping cough, mumps, typhoid fever, measles, rubella, AIDS, and any other diseases so designated by Federal, State, and/or local health authorities.

Decisions regarding the type of educational setting for children with potentially infectious diseases should be based on the behavior, neurological development, and physical condition of the child and the expected type of interaction with others in the school setting. Public health officials, parents, and the attending physician should be consulted to assist in this process.

On the recommendation of the county health authority, a physician, or the school nurse, the principal may exclude from the building or isolate in the school any student who appears to be ill. The principal may act independently if neither a physician nor the school nurse is available for consultation.

Students excluded for reason of communicable disease will be re-admitted by one or more of the following methods:

1. Certificate of the attending physician attesting to their recovery and noninfectiousness.
2. Permit for re-admission issued by the county health authority.
3. After a period of time corresponding to the duration of the communicability of the disease as established by the attending physician and/or the commissioner of health.

[Adoption date: December 11, 2009]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 3313.67; 3313.68; 3313.71
33 19.321
3707.04; 3707.06; 3707.08; 3707.20; 3707.21; 3707.26

ADMINISTERING MEDICINES TO STUDENTS

Many students are able to attend school regularly only through effective use of medication in the treatment of disabilities or illnesses that do not hinder the health or welfare of others. If possible, all medication should be given by the parent(s) at home. If this is not possible, it is done in compliance with the following.

1. Only employees of the Board who are licensed health professionals, or who are appointed by the Board and have completed a drug administration training program conducted by a licensed health professional and considered appropriate by the Board, can administer prescription drugs to students.
2. The school nurse or an appropriate person appointed by the Board supervises the secure and proper storage and dispensation of medications. The drug must be received in the container in which it was dispensed by the prescribing physician or others licensed to prescribe medication.
3. Written permission must be received from the parent(s) of the student, requesting that the school nurse or an appropriate person comply with the physician's order.
4. The school nurse or other designated individual must receive and retain a statement which complies with State law and is signed by the physician who prescribed the drug or other person licensed to prescribe medication.
5. The parent(s) must agree to submit a revised statement, signed by the physician or other licensed individual who prescribed the drug, to the nurse or other designated individual if any of the information originally provided by the physician or licensed individual changes.
6. No employee who is authorized by the Board to administer a prescribed drug and who has a copy of the most recent statement is liable in civil damages for administering or failing to administer the drug, unless he/she acts in a manner which would constitute "gross negligence or wanton or reckless misconduct."
7. No person employed by the Board is required to administer a drug to a student except pursuant to requirements established under this policy. The Board shall not require an employee to administer a drug to a student if the employee objects, on the basis of religious convictions, to administering the drug.

Inhalers for Asthma

Students have the right to possess and use a metered-dose inhaler or a dry-powder inhaler to alleviate asthmatic symptoms or before exercise to prevent the onset of asthmatic symptoms. The right applies at school or at any activity, event or program sponsored by or in which the student's school is a participant.

In order for a student to possess the inhaler, he/she must have written approval from the student's physician and parent or other caretaker. The principal and/or the school nurse must have received copies of these required written approvals.

Epinephrine Autoinjectors

Students are permitted to carry and use an epinephrine autoinjector (epi-pen) to treat anaphylaxis (severe allergic reactions). The right to carry and use an epi-pen extends to any activity, event or program sponsored by the student's school or activity, event or program in which the school participates.

Student possession of an epi-pen is permitted only if the student has written approval from the prescriber of the medication and, if a minor, from his/her parent. Written approval must be on file with the principal and, if one is assigned, the school nurse. In addition, the principal or school nurse must receive a backup dose of the medication from the parent or student.

[Adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 2305.23; 2305.231
3313.64; 3313.712; 3313.713; 3313.716; 3313.718
3314.03; 3314.141
OAC 3301-35-06

CROSS REFS.: JFCH, Alcohol Use by Students
JFCI, Student Drug Abuse

ADMINISTERING MEDICINES TO STUDENTS

Prescription Medication

Students needing medication are encouraged to receive the medication at home, if possible.

1. The person or persons designated to administer medication receives a written request, signed by the parent(s) having care or charge of the student, that the drug be administered to the student.
2. Each person designated to administer medication receives a statement, signed by the physician or other person licensed to prescribe medication, which includes all of the following information:
 - A. the name and address of the student;
 - B. the school and class in which the student is enrolled;
 - C. the name of the drug and the dosage to be administered;
 - D. the times or intervals at which each dosage of the drug is to be administered;
 - E. the date on which the administration of the drug is to begin;
 - F. the date on which the administration of the drug is to cease;
 - G. any severe adverse reactions which should be reported to the physician and one or more telephone numbers at which the person who prescribed the medication can be reached in case of an emergency and
 - H. special instructions for administration of the drug, including sterile conditions and storage.
3. The parent(s) agree to submit a revised statement signed by the physician who prescribed the drug to the person designated to administer medication if any of the information provided by the person licensed to prescribe medication as described above changes.
4. The person authorized to administer the drug receives a copy of the statement described above.
5. The drug is received by the person authorized to administer the drug to the student for whom the drug is prescribed in the container in which it was dispensed by the prescribing physician or other licensed professional.

The person designated by the Board establishes a location in each school building for the storage of drugs to be administered. All such drugs shall be stored in that location in a locked storage place. Drugs, which require refrigeration, may be kept in a refrigerator in a place not commonly used by students.

No person who has been authorized by the Board to administer a drug and has a copy of the most recent statement which was given to him/her prior to administering the drug is liable for administering or failing to administer the drug, unless such person acts in a manner which constitutes "gross negligence or wanton or reckless misconduct."

A person employed by the Board is not required to administer a prescribed drug to a student unless a Board regulation establishes a requirement; furthermore, the Board shall not require an employee to administer a drug to a student if the employee objects, on the basis of religious convictions, to administering the drug.

Board policy and regulations regarding dispensation of medication must be formally adopted by the Board and may be changed, modified or revised only by action of the Board.

Use of Asthma Inhalers

In order for a student to possess and use an inhaler, he/she must have written approval from the student's physician and parent or other caretaker. The principal and/or the school nurse must have received copies of these required written approvals.

The physician's written approval must specify the minimum following information:

1. the student's name and address;
2. the name of the medication contained in the inhaler;
3. the date the administration of the medication is to begin;
4. the date, if known, that the administration of the medication is to cease;
5. written instructions, which outline the procedures school personnel, should follow in the event that the asthma medication does not produce the expected relief from the student's asthma attack;
6. any severe adverse reactions that may occur to the student using the inhaler that should be reported to the physician;

7. any severe reactions that may occur to another student for whom the inhaler is not prescribed, should he/she receive a dose of the medication;
8. at least one emergency telephone number for contacting the physician;
9. at least one emergency telephone number for contacting the parent, guardian or other person having care or charge of the student in an emergency and
10. any other special instructions from the physician.

In no circumstances will the District, any member of the Board or any Board employee is liable for injury, death or loss of person or property when a District employee prohibits a student from using an inhaler because the employee believes, in good faith, that the required written approvals have not been received by the principal. Additionally, liability cannot accrue because the employee permits the use of an inhaler when the employee believes, in good faith, that the written approval(s) have been received by the appropriate authority.

Use of Epinephrine Autoinjectors

Student possession of an epi-pen is permitted only if the student has written approval from the prescriber of the medication and, if a minor, from his/her parent. Written approval must be on file with the principal and, if one is assigned, the school nurse. In addition, the principal or school nurse must receive a backup dose of the medication from the parent or student.

The prescriber's written approval must specify at least the following information.

1. student's name and address;
2. names and dose of the medication contained in the autoinjector;
3. the date the administration of the medication is to begin and, if known, the date the administration of the medication is to cease;
4. acknowledgement that the prescriber has determined that the student is capable of possessing and using the epi-pen appropriately and has provided the student with training in the proper use of the epi-pen;
5. circumstances in which the epi-pen should be used;
6. written instructions that outline procedures school personnel should follow if the student is unable to administer the medication or the medication does not produce the expected relief from the student's anaphylaxis (allergic response);

7. any severe reaction that:
 - A. the student may experience that should be reported to the prescriber or
 - B. that may occur to another student for whom the medication is not prescribed, if that student receives a dose of the medication;
8. at least one emergency telephone number each for contacting the prescriber and the parent and
9. Any other special instructions from the prescriber.

Whenever a student is administered epinephrine at school or at an activity, event or program sponsored by the school or in which the school is a participant, a school employee must immediately request assistance from an emergency medical service provider. Request for medical assistance applies whether the student self-administers the medication or a school employee administers it to the student.

The Board and District employees are not liable in damages in a civil action for injury, death or loss to person or property allegedly arising if:

1. a school employee prohibits a student from using an epi-pen because he/she has a good faith belief that the conditions for carrying and using the medication have not been satisfied;
2. a school employee permits a student to carry and use an epi-pen because of the good faith that the conditions have been satisfied or
3. in instances in which a student is rightfully permitted to carry an epi-pen, the use of the medication by a student for whom it was not prescribed.

All immunities granted to schools under the sovereign immunity law or any other law applies.

(Approval date: October 29, 2007)

(Re-approval date: September 26, 2011)

STUDENT SAFETY

The Board believes that students have the right to be protected in all facets of the education program and directs the Superintendent/designee to develop and maintain a safety instruction program for all students. Safety instruction in the ESC includes:

1. establishing appropriate safety rules;
2. learning how to practice safety and prevent accidents;
3. learning how to safely use and properly care for tools and equipment so as to reduce the potential for accidents;
4. developing habits of good housekeeping, proper storage and handling of materials, and sanitation;
5. becoming familiar with personal protection devices and the proper clothing to be worn for safety purposes;
6. learning how to cooperate with others in the promotion and operation of a safety program in the schools, on school grounds and in school vehicles;
7. instructing students not to accept gifts or automobile rides from strangers. Students are also instructed to tell staff members, parents or law enforcement officials of any suspicious strangers in or around school property;
8. providing instruction in personal safety and assault prevention in grades kindergarten through 6. Upon the written request of a parent, a student shall be excused from such instruction and
9. providing age-appropriate instruction in dating violence prevention in grades 7 through 12.

In an attempt to further ensure student safety, staff members:

1. shall not attempt to diagnose or treat a student's personal problem relating to sexual behavior, substance abuse, mental or physical health and/or family relationships but, instead, should refer the student to the appropriate individual or agency for assistance;

2. shall not disclose information concerning a student, other than directory information, to any person not authorized to receive such information. This includes, but is not limited to, information concerning assessments, ability scores, grades, behavior, mental or physical health and/or family background and
3. shall immediately report any suspected signs of child abuse or neglect.

In addition to instruction in safety, buildings are inspected annually to detect and remedy health and safety hazards. Staff members shall immediately report to the building administrator any accident or safety hazard he/she detects. The Superintendent is authorized and directed to develop appropriate means for the implementation of this policy.

[Adoption date: December 11, 2009]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 3313.60; 3313.643; 3313.96
3737.73
OAC 3301-35-06

CROSS REFS.: AFI, Evaluation of Educational Resources
EB, Safety Program
GBH, Staff-Student Relations (Also JM)
JFCF, Hazing and Bullying (Harassment, Intimidation and Dating Violence)
JFCFA, Anti-Harassment, Anti-Intimidation or Anti-bullying
JFCH, Alcohol Use by Students
JFCI, Student Drug Abuse
JHG, Reporting Child Abuse
JHH, Notification About Sex Offenders
JO, Student Records

STUDENT AUTOMOBILE USE

The transportation policies of the Board are aimed at providing a safe, efficient and economical method of getting students to and from school.

The Board recognizes that students might desire to drive their own vehicles to school. Therefore, the Board directs the Superintendent/designee to develop and maintain administrative guidelines to ensure the safety of student drivers, passengers and all other persons on District property.

In compliance with State law, student drivers under the age of 17 years old are not permitted to transport more than one person who is not a family member unless the driver is accompanied by his/her parent, guardian or custodian.

Students are discouraged from transporting other students to and from student activities, events and programs.

[Adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 3327.01; 3327.09;
4507.05; 4507.07

REPORTING CHILD ABUSE

The ESC Board shall develop, in consultation with public or private agencies or persons involved in child abuse prevention or intervention programs, a program of in-service training for all persons employed by the service center. Each person employed by the ESC shall complete at least four hours of in-service training the prevention of child abuse, violence and substance abuse, school safety and the promotion of positive youth development within two years of commencing employment with the ESC, and every five years thereafter.

All employees of the ESC who know or suspect that a child under 18 years of age or a disabled child under 21 years of age has suffered or is suffering any type of abuse or neglect are required to report such information to the Public Children Services Agency or the local law enforcement agency.

The Board directs the Superintendent/designee to develop a program of in-service training in child abuse prevention for all ESC employees. This program is developed in consultation with public or private agencies or persons involved in child abuse prevention or intervention programs.

In addition, middle and high school employees who work as teachers, counselors, nurses, school psychologists and administrators must receive training in dating violence prevention. The curriculum for training in dating violence prevention is developed by the Superintendent/designee and training must occur within two years of commencing employment and every five years thereafter.

To ensure prompt reports, procedures for reporting are made known to the staff. A person who participates in making such reports is immune from any civil or criminal liability provided the report is made in good faith.

By law, public children's services agencies must notify the Superintendent of any allegations of child abuse and neglect reported to them involving the District, as well as the disposition of the investigation.

[Adoption date: December 7, 1996]

[Re-adoption date: February 22, 1999]

[Re-adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: ORC 2151.011; 2151.421
3313.662
3319.073

CROSS REFS.: EB, Safety Program
EBC, Emergency/Safety Plans
JFCF, Hazing
JFCFA, Anti-Harassment, Anti-Intimidation Or Anti-Bullying
JHF, Student Safety

NOTIFICATION ABOUT SEX OFFENDERS

Megan's Law requires certain sexual predators and sex offenders to register with the sheriff in the county of their residence. In some circumstances the sheriff notifies the Superintendent that a sexual predator or habitual sex offender has moved into the area.

If the Superintendent receives information from the sheriff concerning a sexual predator or habitual sex offender subject to community notification, the Superintendent disseminates the information regarding the sexual predator or habitual sex offender to employees whose duties include supervision of or responsibility for students. Employees who receive the information are instructed to promptly notify the Superintendent if the sexual predator or habitual sex offender is observed in the vicinity of the school. The Superintendent notifies the local law enforcement agency if, in the judgment of the Superintendent, the presence of the sexual predator or habitual sex offender appears to be without a legitimate purpose or otherwise creates concern for the safety of the students. The law enforcement agency evaluates the situation and takes whatever action it deems appropriate. The law enforcement agency informs the Superintendent of any action taken and may provide advice regarding any additional action which the Superintendent should consider taking.

If the Superintendent receives information from the sheriff concerning a sexual predator or habitual sex offender subject to community notification, the Superintendent may inform parents, guardians and adult students that he/she has received notice that a sexual predator or habitual sex offender is residing within the ESC and that certain information concerning the offender is public record and is open to inspection at the office of the sheriff with whom the offender has registered.

With juvenile sex offenders, the Superintendent's notification duties are the same as with adult offenders. The Superintendent provides a copy of the county sheriff's sexual offender notice to his/her staff so that they are aware of the juvenile offender's information and photograph. The Superintendent must then notify parents that the school has received notice that a juvenile sex offender is attending school (or if an adult offender, working or attending school) in the District, and direct parents who want more information to the county sheriff's office.

If the Superintendent receives information from the sheriff concerning a sexual predator or habitual sex offender subject to community notification, he/she shall not release any other information and shall direct any inquiries to the office of the sheriff with whom the offender has registered.

[Adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: 42 USC 14071
ORC 149.43
2151.355; 2152.83; 2152.84
Chapter 2950

CROSS REFS.: GBQ, Criminal Records Check
JO, Student Records

STAFF-STUDENT RELATIONS

The relationship between the ESC's staff and students must be one of cooperation, understanding and mutual respect. Staff members have a responsibility to provide an atmosphere conducive to learning and to motivate each student to perform to his/her capacity.

Staff members should strive to secure individual and group discipline, and should be treated with respect by students at all times. By the same token, staff members should extend to students the same respect and courtesy that they, as staff members, have a right to demand.

Although it is desired that staff members have a sincere interest in students as individuals, partiality and the appearance of impropriety must be avoided. Excessive informal and/or social involvement with individual students is prohibited. Such conduct is not compatible with professional ethics and, as such, will not be tolerated.

Staff members are expected to use good judgment in their relationships with students both inside and outside of the school context including, but not limited to, the following guidelines.

1. Staff members shall not make derogatory comments to students regarding the ESC and/or its staff.
2. The exchange of purchased gifts between staff members and students are discouraged.
3. Staff-sponsored parties at which students are in attendance, unless they are a part of the school's extracurricular program and are properly supervised, are prohibited.
4. Staff members shall not fraternize, written, electronically or verbally, with students except on matters that pertain to school-related issues.
5. Staff members shall not associate with students at any time in any situation or activity which could be considered sexually suggestive or involve the presence or use of tobacco, alcohol or drugs.
6. Dating between staff members and students is prohibited.
7. Staff members shall not use insults or sarcasm against students as a method of forcing compliance with requirements or expectations.
8. Staff members shall maintain a reasonable standard of care for the supervision, control and protection of students commensurate with their assigned duties and responsibilities.

9. Staff members shall not send students on personal errands.
10. Staff members shall, pursuant to law and Board policy, immediately report any suspected signs of child abuse or neglect.
11. Staff members shall not attempt to counsel, assess, diagnose or treat a student's personal problem relating to sexual behavior, substance abuse, mental or physical health and/or family relationships but, instead, should refer the student to the appropriate individual or agency for assistance.
12. Staff members shall not disclose information concerning a student, other than directory information, to any person not authorized to receive such information. This includes, but is not limited to, information concerning assessments, ability scores, grades, behavior, mental or physical health and/or family background.

Social Networking Websites

1. ESC staff who personally participate in social networking websites are prohibited from posting data, documents, photographs or inappropriate information on any website that might result in a disruption of classroom activity. The Superintendent/designee has full discretion in determining when a disruption of classroom activity has occurred.
2. ESC staff is prohibited from providing personal social networking website passwords to students.
3. Fraternalization between ESC staff and students via the Internet, personal e-mail accounts, personal social networking websites and other modes of virtual technology is also prohibited.
4. Access of social networking websites for personal use is prohibited.

Violation of the prohibitions listed above will result in staff and/or student discipline in accordance with State law, Board policies and regulations and/or the Student Code of Conduct. Nothing in this policy prohibits ESC staff and students from the use of education websites.

[Adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

CROSS REFS.: GBCA, Staff Conflict of Interest
GBCB, Staff Conduct
GBI, Staff Gifts and Solicitations
IIBH, ESC Website Publishing
JHF, Student Safety
JHG, Reporting Child Abuse
JO, Student Records
KBA, Public's Right to Know
Staff Handbooks

STUDENT FEES, FINES AND CHARGES

The Board may levy certain charges to students to facilitate the utilization of adequate, appropriate learning materials used in the course of instruction. If the ESC determines that a student is in serious financial need, it may choose to provide any or all such materials free of charge.

A charge shall not exceed the combined cost of the material used, freight and/or handling charges, and nominal add-on for loss. Money received from resale of such material shall be returned to the Treasurer with an accurate accounting of all transactions.

When ESC property, equipment, or supplies are damaged, lost, or taken by a student, a fine will be assessed. The fine will be reasonable, seeking only to compensate the school for the expense or loss incurred.

The late return of borrowed books or materials from the ESC libraries will be subject to appropriate fines.

Any fees, fines and/or other charges collected by members of the staff shall be turned in to the Treasurer within one business day after collection. A place such as the building safe or a locked file cabinet shall be used for securing these monies until they are deposited with the Treasurer. At no time shall any staff member place public monies in his/her own banking accounts or commingle public monies with their own. Except in cases of extenuating circumstances, i.e., the inability to access the secure place in the building, public monies should not be taken to a person's place of residence.

In accordance with law, failure to pay fees and fines may result in the withholding of grades and credit. In the event the above course of action does not result in the fee being collected, the Board authorizes the Treasurer to take the student and/or his/her parents to the appropriate county prosecutor.

Nothing in this policy restricts the right of access of a parent or student to school records or to receive copies of such records, as required by Federal and State laws.

[Adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

[Re-adoption date: June 25, 2018]

LEGAL REFS.: National School Lunch Act of 1946, 42 USC 1751

Child Nutrition Act of 1966, 42 USC 1771

ORC 3313.642

3329.06

STUDENT RECORDS

In order to provide students with appropriate instruction and educational services, it is necessary for the District to maintain extensive educational and personal information. It is essential that pertinent information in these records be readily available to appropriate school personnel, be accessible to the student's parent(s) or the student in compliance with law, and yet be guarded as confidential information.

The Superintendent is responsible for the proper administration of student records in keeping with State law and federal requirements and the procedures for the collection of necessary information about individual students throughout the ESC.

Upon request, all records and files included in the student's cumulative file are available to parent(s) or the student (if he/she is over 18 years of age) at the student's home school. This request must be in writing and is granted within seven calendar days. No records are to be removed from the school. A principal, teacher or other qualified school personnel must be present to explain any of the tests or other material.

All rights and protections given to parents under law and this policy transfer to the student when he/she reaches age 18 or enrolls in a postsecondary school. The student then becomes an "eligible student."

The ESC uses reasonable methods to identify and authenticate the identity of parents, students, school officials and any other parties to whom the agency or institution discloses personally identifiable information from education records.

To carry out their responsibilities, school officials have access to student education records for legitimate educational purposes. The ESC uses the criteria set forth under administrative regulations to determine who are "school officials" and what constitutes "legitimate educational interests."

Other than requests as described above, school officials release information from, or permit access to, a student's education records only with the prior written consent of a parent or eligible student, except that the Superintendent or a person designated in writing by the Superintendent may permit disclosure in certain limited circumstances outlined under administrative regulations.

The ESC maintains, in accordance with administrative regulations, an accurate record of all requests to disclose information from, or to permit access to, a student's education records and of information disclosed and access permitted.

[Adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

[Re-adoption date: November 14, 2016]

[Re-adoption date: April 24, 2017]

LEGAL REFS.: The Elementary and Secondary Education Act; 20 USC 1221 et seq.
Family Educational Rights and Privacy Act; 20 USC Section 1232g
Health Insurance Portability and Accountability Act; 29 USC 1181 et seq.
ORC 111.41; 111.42; 111.43; 111.46; 111.47; 111.99
149.41; 149.43
1347.01 et seq.
3317.031
3319.32; 3319.321; 3319.33
3321.12; 3321.13
3331.13

CROSS REFS.: AFI, Evaluation of Educational Resources
EHA, Data and Records Retention
IL, Testing Programs
JECAA, Admission of Homeless Students
KBA, Public's Right to Know
KKA, Recruiters in the Schools

STUDENT SURVEYS

The Board recognizes the importance of maintaining student records and preserving their confidentiality. Student records containing personally identifiable information are kept confidential at collection, storage, disclosure and destruction stages. Boards that receive funds under any applicable program must provide reasonable notice to parents at least annually at the beginning of the school year that their children may be involved in Board-approved third party surveys. The ESC must also give the parents the opportunity to opt their child out of the activity. A student shall not be required, as part of any applicable program, to submit to a survey, analysis or evaluation that reveals information concerning:

1. political affiliations or beliefs of the student or the student's parent;
2. mental or psychological problems of the student or the student's family, "potentially embarrassing to the student or family";
3. sex behavior or attitudes;
4. illegal, antisocial, self-incriminating or demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
7. religious practices, affiliations or beliefs of the students or student's parent or
8. income (other than that required by law to determine eligibility for participation in a program and/or for receiving financial assistance under such program).

Parents have a right to inspect a survey created by a third party before that survey is administered by the ESC to students. Parents are notified by the ESC when a survey is to be administered and will have at least two weeks to review the materials.

In order to protect student privacy rights when an ESC survey is to be administered that contains one of the prohibited eight items identified in this policy, parents have the right to inspect the survey. If parents do not want their child to be a participant in the survey, they must notify the ESC.

The collection, disclosure or use of student personal information for the purpose of marketing or selling that information, or providing the information to others for that purpose, is prohibited. This does not include personal information collected for the exclusive purpose of developing,

evaluating or providing educational products or services for, or to, students or educational institutions such as:

1. postsecondary institutions or military recruiters;
2. book clubs, magazines and programs providing access to low-cost literary products;
3. curriculum and instructional materials used by K-12 schools;
4. tests and assessments used by grades K-12 to provide cognitive, evaluative, diagnostic, clinical, aptitude or achievement information about students, or to generate other statistically useful data for the purpose of securing these tests and assessments, and the subsequent analysis and public release of the aggregate data from these tests and assessments;
5. the sale by students of products or services to raise funds for school or education-related activities or
6. student recognition program.

For specific events, the ESC must notify the parents annually of the projected or approximate dates of the following activities:

1. the collection, disclosure or use of student personal information for the purpose of marketing or selling that information, or providing the information to others for that purpose;
2. the administration of a survey containing any of the eight items identified in this policy and
3. annually, the ESC will notify parents of physical exams or screenings conducted on students except for vision, hearing or scoliosis.

[Adoption date: October 29, 2007]

[Re-adoption date: September 26, 2011]

LEGAL REFS.: The Elementary and Secondary Education Act; 20 USC 1221 et seq.
USA Patriot Act, Sec. 507, P.L. 107-56
Family Educational Rights and Privacy Act; 20 USC Sec. 1232g
ORC 149.41; 149.43
1347.01 et seq.
3317.031
3319.32; 3319.321; 3319.33
3321.12; 3321.13
3331.13
OAC 3301-35-04; 3301-35-07

POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS
(Restraint and Seclusion)

Positive Behavioral Interventions and Supports (PBIS)

The District implements PBIS on a system-wide basis. The Board directs the Superintendent/designee to develop a PBIS system that is consistent with the components set forth in the State Board of Education's (SBOE) policy on positive behavior interventions and supports. The District encourages family involvement as an integral part of its PBIS system.

Prohibited Practices

The District does not engage in practices prohibited by State law, including:

1. prone restraint;
2. any form of physical restraint that involves the intentional, knowing or reckless use of any technique that:
 - A. involves the use of pinning down a student by placing knees to the torso, head or neck of the student;
 - B. uses pressure point, pain compliance or joint manipulation techniques or
 - C. otherwise involves techniques that are used to unnecessarily cause pain.
3. corporal punishment;
4. child endangerment, as defined by Ohio Revised Code Section (RC) 2919.22;
5. deprivation of basic needs;
6. seclusion and restraint of preschool children in violation of Ohio Administrative Code Section (OAC) 3301-37-10;
7. chemical restraint;
8. mechanical restraint (that does not include devices used by trained school personnel, or by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed);

9. aversive behavioral interventions or
10. seclusion in a locked room or

area. Restraint

Physical restraint may not be used as a form of punishment or discipline, or as a substitute for other less restrictive means of assisting a student in regaining control. The use of prone restraint is prohibited. This policy does not prohibit the use of reasonable force and restraint as provided by RC 3319.41.

Restraint may be used only:

1. if a student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective intervention is available;
2. if the physical restraint does not interfere with the student's ability to breathe;
3. if the physical restraint does not interfere with the student's ability to communicate in the student's primary language or mode of communication and
4. by school personnel trained in safe restraint techniques, except in the case of rare and unavoidable emergency situations when trained personnel are not immediately available.

Seclusion

Seclusion may not be used as a form of punishment or discipline, for staff convenience or as a substitute for other less restrictive means of assisting a student in regaining control.

Seclusion may be used only:

1. if a student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective intervention is available;
2. for the minimum amount of time necessary to protect the student and others from physical harm;
3. in a room or area that is not locked, does not preclude the student from exiting the area should the staff member become incapacitated or leave, and that provides adequate space, lighting, ventilation and the ability to observe the student and

4. under the constant supervision of trained staff able to detect indications of physical or mental distress that require removal and/or immediate medical assistance, and who document their observations of the student.

Repeated Dangerous Behaviors

The District conducts functional behavioral assessments for students who repeatedly engage in dangerous behavior that leads to instances of restraint and/or seclusion to identify students' needs and more effective ways of addressing those needs. Behavioral intervention plans that incorporate appropriate positive behavioral interventions are created when necessary.

Training and Professional Development

The District trains an appropriate number of personnel in each building in crisis management and de-escalation techniques. The District maintains written or electronic documentation of provided training and lists of participants in each training session.

All student personnel, as defined by OAC 3301-35-15, are trained annually on the SBOE's and the District's policies and procedures regarding restraint and seclusion.

The Board directs the Superintendent/designee to develop a plan for any necessary training of student personnel to implement PBIS on a system-wide basis.

Data and Reporting

Each incident of seclusion or restraint is immediately reported to the building administrator and the student's parent. Each incident of seclusion or restraint is documented in a written report, which is made available to the student's parent within 24 hours. The District maintains written reports of seclusion or restraint. These reports are educational records under the Family Education Rights and Privacy Act.

The District annually reports information concerning the use of restraint and seclusion to the Ohio Department of Education (ODE), as requested by ODE.

Monitoring and Complaint Processes

The Board directs the Superintendent/designee to establish a procedure to monitor the implementation of State law and the District's policy on restraint and seclusion.

The Board directs the Superintendent/designee to establish District complaint procedures, which include a:

1. procedure for parents to present complaints to the Superintendent to initiate a complaint investigation by the District regarding incidents of restraint or seclusion and
2. requirement that the District respond to parents in writing within 30 days of the filing of a complaint regarding restraint and seclusion.

Parents are notified annually of the District's seclusion and restraint policies and procedures, which are also posted on the District's website.

[Adoption date: December 13,

2013] LEGAL REF.: ORC

2919.22

OAC 3301-35-15
3301-37-10

CROSS REFS.: IGBA, Programs for Students with
Disabilities JF, Student Rights and
Responsibilities
JGA, Corporal Punishment
JH, Student Welfare
JHF, Student Safety