NON-REEMPLOYMENT OF THE TREASURER

The Board of Education has an obligation to the citizens of this District to employ the professional leadership best trained and equipped to meet the educational needs of their children. It shall meet that obligation by retaining only the best qualified person as Treasurer for this District.

~~If his/her services are determined to be unsatisfactory, the Treasurer shall be notified in writing by the Board President, as approved by the Board, of their intent no later than the first regular meeting in October of the expiration year of his/her contract, that his/her services will not be renewed.~~

The Board may, at any regular or special meeting held during the period beginning on the first day of January of the calendar year preceding the year the Treasurer's contract of employment expires and ending on the first day of March of the year the contract expires, re-employ the Treasurer for a succeeding term not longer than five (5) years, beginning the first day of August immediately following the expiration of the Treasurer's current term of employment and ending July 31st.

At the expiration of a Treasurer's current term of employment, the Treasurer is deemed re-employed for a term of one (1) year at the same salary plus any increment that the Board may authorize, unless the Board, on or before March 1st of the year in which his/her contract of employment expires, either re-employs the Treasurer for a succeeding term or gives to the Treasurer written notice of its intent not to re-employ the Treasurer.

Except for a Treasurer who is automatically disqualified from service for failing to hold a valid Treasurer's license and is not considered an "otherwise qualified Treasurer", the termination of the Treasurer's contract shall be in accordance with R.C. 3319.16 and may be terminated for good and just cause.

Reporting Professional Misconduct

Consistent with Policy 8141 and State law, the Board and / or the Superintendent will file a report to the Ohio Department of Education, on forms provided for that purpose, matters of professional misconduct on the part of the Treasurer, as a licensed professional, including a conviction of the Treasurer of certain enumerated crimes and / or conduct which is determined to be unbecoming to the teaching profession. Reports of any investigation regarding whether or not the Treasurer has committed an act or offense for which the Board is required to make a report to the Ohio Department of Education shall be kept in the personnel file of the Treasurer. Should the Ohio Department of Education determine that the results of that investigation do not warrant initiating an action suspending, revoking, or otherwise limiting the Treasurer's license, the report(s) of any investigation will be moved to a separate public file.

R.C. 3313.22, 3319.16, 3319.31, 3319.313, 3319.39
A.C. 3301-73-21
R.C. 3313.22

DELETE POLICY – RENUMBERED POLICY TO MATCH CURRENT TEMPLATES

~~NON-REEMPLOYMENT OF TREASURER~~

~~The Board of Education has an obligation to the citizens of this District to employ the professional leadership best trained and equipped to meet the educational needs of their children. It shall meet that obligation by retaining only the best qualified person as Treasurer for this District.~~

~~If his / her services are determined to be unsatisfactory, the Treasurer shall be notified in writing by the Board President, as approved by the Board, of their intent no later than the first regular meeting in October of the expiration year of his / her contract, that his / her services will not be renewed.~~

~~R.C. 3313.22~~

NEW POLICY
PHYSICAL EXAMINATION

The Board of Education, acting through the Superintendent reserves the right to require, after a conditional offer of employment, that the successful candidate submit to a medical examination in order to determine his/her physical and/or mental capacity to perform the essential functions of the position, with or without reasonable accommodation, provided that the Board requires other successful candidates for the same position (or job classification) to do so. Such examinations shall be done in accordance with the Superintendent's guidelines.

Employees will be required to execute a release that complies with the requirements of Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification (see Form 1460F2).

Such report should include a comprehensive report of the medical examination indicating whether the candidate can perform the essential functions of the position, with or without reasonable accommodation.

In compliance with the Genetic Information Nondiscrimination Act (GINA) and Board Policy 1422.02 the successful candidate who is required to submit to a medical examination, as well as the health care provider that is designated by the Board to conduct the examination, are directed not to collect genetic information or provide any genetic information, including the candidate's family medical history, in the report of the medical examination.

Employees will be notified of the results of the medical examination upon receipt. Any and all reports of such examination will be maintained in a separate confidential personnel file in accordance with the Americans with Disabilities Act, as amended ("ADA") and the Genetic Information Nondiscrimination Act (GINA).

In the event of a report indicating that the candidate is not qualified to perform the position's essential functions, with or without reasonable accommodation, the Superintendent will make a recommendation to the Board of non-employment, the Superintendent or his/her designee may discuss the results of the report with the health care provider who conducted the medical examination prior to the Superintendent making a recommendation to the Board.

The Board shall pay for required examinations.

The Board may require, at initial employment, that all administrators undergo a tuberculosis examination in accordance with law and at the direction of the Ohio Department of Health, the local health department, or the District's medical advisor.

R.C. 3313.71
29 C.F.R. Part 1630
29 C.F.R. Part 1635
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
A.C. 3701-15-02

Adopted:

NEW POLICY

SECTION 504 / ADA
PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The Board of Education prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

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

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment, or appliances, low-vision devises (defined as

devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not necessarily required for an individual who is merely regarded as having a disability.

District Compliance Officer

The following person(s) is/are designated as the District Section 504 Compliance Officer(s) /ADA Coordinator(s) (District Compliance Officer(s)"):

Director of Pupil Services
9252 Chillicothe Road
Kirtland, OH 44094
(440) 256-3360
(440) 256-3831 (FAX)

The District Compliance Officer(s) is/are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officer.

The District Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted

internal complaint procedure, and will attempt to resolve such complaints. Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA.

Training

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

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

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's Compliance Officer(s) will be posted throughout the District, and published in the District's recruitment statements or general information publications.

29 CF.R. Part 1630
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
34 C.F.R. Part 10442 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

SCHOOL IMPROVEMENT

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

In addition to adopting a Mission Statement and Educational Philosophy for the District, the Board shall create, as needed, policies which support the School Improvement Process.

~~The Superintendent shall establish administrative guidelines which will ensure that the following objectives can be achieved:~~

A. ~~School improvement plans which are developed and implemented by school-based teams, working collaboratively, so that both building level and District level goals for students can be identified and correlated, and then achieved through effective planning, problem solving, and assessment.~~

B. ~~A district-wide, school-improvement plan which provides for building-level decision-making regarding program assessment, curriculum review, determination of performance standards, budgetary review, staff development, and the monitoring and assessment of student outcomes~~.

C. ~~Collaboration at both the building and District levels with parents, relevant institutions and groups, especially those in the community, who can support and facilitate school improvement in the District~~

District and school-level/building leadership teams are responsible for quality planning, implementation, and ongoing monitoring and reporting for all components for improving instructional practice and student performance.

The Superintendent shall provide leadership to District staff in the improvement process in the following core areas:

A. data and the decision-making process

B. focused goal setting process

C. instruction and the learning process

D. community engagement process

E. resource management process

F. Board development and governance process

The Improvement Process shall consist of the following stages:

A. use data to identify areas of greatest need

B. develop a plan to address those areas of need that is built around a limited number of focused goals and strategies to significantly improve instructional practice and student performance

C. implement the plan with integrity, and

D. monitor and evaluate the effectiveness of the improvement process in changing instructional practice and impacting student performance

The District shall utilize guidance, technical assistance, and resources provided by ODE as may be appropriate and available.

In order to enhance school improvement, the Superintendent is authorized to waive any policy that has been enacted in order to comply with the following Federal statutes / regulations and to request waivers from these laws / regulations from the Superintendent of Public Instruction:

Titles I, II, IV, VI, and Part C of Title VII of the ESEA Act of 1965

The Carl Perkins Vocational and Applied Technology Education Act

The General Education Provisions Act

Parts of Education Department General Administrative Regulations

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

Goals 2000 – Educate America Act
The Ohio Improvement Process (OIP)

7. tests are administered in conformance with the instructions provided by the producer;

8.1. medical evaluation, when required as part of the multifactored evaluation, shall be provided at no cost to the parent by a licensed physician designated by the Superintendent or his/her designee, when other no-cost resources are not available.

D. **Individualized Education Program**

It shall be the policy of this School District that an individualized education program (IEP) will be developed for each child with a disability who needs special education. The IEP shall be designed to meet the unique educational needs of the child and shall be developed in a planning conference. Parents of the child shall be strongly encouraged to participate in the planning conference. The IEP shall be reviewed and revised as often as necessary, but at least annually.

E. **Least Restrictive Environment**

It shall be the policy of this School District that the education of children with disabilities shall occur in the least restrictive environment; special education programs and service shall be appropriate and designed to meet the unique needs of each child with a disability; to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who do not have disabilities; special classes, separate schooling, or other removal of children with disabilities from the regular educational environment, shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

F. **Confidentiality of Data**

It shall be the policy of this School District that the confidentiality of personally-identifiable data relating to children with disabilities and their parents and families shall be protected at collection, storage, disclosure, and destruction, and that one official of this School District shall be assigned the responsibility for protecting the confidentiality of personally-identifiable data. This District follows all Federal

~~regulations and State standards related to the confidentiality of data. (See Policy 8330 – Child Records)~~

~~G. **Due Process**~~

~~**It shall be** the policy of this School District to utilize procedures that allow differences of opinion between parent(s) and this District or between agencies and this District, to be aired and resolved; and that the procedures shall provide for utilization of case conferences, administrative reviews, impartial due process hearing, and State-level appeals and appeals to the courts that involve the District's proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. Furthermore, the rights of children with disabilities shall be protected when the parents cannot be identified or located, when the child is a ward of the State, or when the child is without a formally-declared, legal representative.~~

~~H. **Surrogate Parent**~~

~~**It shall be the** policy of this School District that whenever the parent(s) or guardian(s) of a child with a disability are not known or cannot be located, or when the child is a ward of the State, the child's rights shall be protected through the assignment of an individual (who shall not be an employee of the State Department of Education or any local or intermediate education agency involved in the education of the child) who will serve as the child's surrogate parent.~~

~~I. **Testing Programs**~~

~~**It shall be the** policy of this School District that students with disabilities shall participate in local and State-wide testing programs to the maximum extent appropriate. Individual exemptions shall be determined only during an IEP conference.~~

~~The Superintendent shall administer the local implementation of these State procedures, in accordance with State and Federal laws, rules, and regulations, which shall ensure fulfillment of this policy.~~

In order to satisfy the requirements of the Ohio Operating Standards for Ohio Educational Agencies Serving Children with Disabilities ("Ohio Operating Standards"), the Board of Education adopts the model policies and procedures promulgated by the Ohio Department of Education's Office of Exceptional Children (ODE-OEC), which is incorporated by reference into

this policy. While the Special Education Model Policies and Procedures ("Model Policies") issued by the ODE-OEC are comprehensive, the document does not include every requirement set forth in the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA"), the regulations implementing the IDEIA, the Operating Standards, the Ohio Revised Code, and/or the Ohio Administrative Code. As such, the Board affirms its obligation to follow these laws and regulations, regardless of whether their provisions are restated in the Model Policies.

Copies of Model Policies and Procedures and/or relevant policies and procedures are available at the office of the Board of Education.

R.C. 3323.05, 3323.051, 3323.08
A.C. 3301-51-01 et seq., 3301-51-02(F)
~~20 U.S. C. 1401 et seq.~~
~~IDEA~~,IDEIA, 20 U.S.C. 1400 et seq.
34 C. F. R. Part 300

Revised:

CRIMINAL HISTORY RECORD CHECK

In order to adequately safequard students and staff members, and in accordance with State law, the Board of Education requires an inquiry into the background of each applicant the Superintendent recommends for employment on the District's professional staff. This requirement includes all substitutes and persons employed on a part-time basis such as coaches or activity supervisors, who may have care, custody, or control of students. In addition, all professional staff members with a license, certificate, or permit issued by the Ohio Department of Education must undergo a criminal background check as prescribed by law.~~at the time of the renewal of same or, in the case of a permanent teaching certificate, no less than every five (5) years on or before September 5th of the fifth year~~. Such background check is not otherwise required of any currently-employed staff member who is a candidate for another position within the District.

The Superintendent shall establish administrative guidelines which will require a records check that complies with the law ~~and ensures that, at the time of the initial application, upon renewal of a professional teaching certificate, license, or permit, and, for professional staff members with permanent teaching certificates, not later than every five (5) years on or before September 5th of the fifty year, the applicant or employee is properly informed of the requirement to obtain a.) a criminal history records check, b.) a set of the applicants or employee's fingerprints, and c.) proof that the applicant or employee has been a resident of Ohio for the five (5) years previous to the criminal history records check, and if not, that~~ through the Bureau of Criminal Identification and Investigation ~~shall be requested to obtain criminal history information from the~~ and through Federal Bureau of Investigation (FBI) records.

The guidelines established by the Superintendent shall also direct that any information and records obtained from such inquiries are confidential and shall not be released or disseminated.

Should it be necessary to employ a person to maintain continuity of the program, prior to receipt of the criminal history record, the Superintendent may employ the person on a provisional basis until the report is received.

The District retains the sole authority after an initial criminal history record check of an employee to require a subsequent criminal history record check if the District determines such a follow-up record check is appropriate for continued and/or future employment of the employee.

Effect of Guilty Plea and/or Conviction of Enumerated Crimes

Professional staff members determined by virtue of a criminal records check to have pled guilty to or have been convicted of any offense enumerated under R.C. 3319.39(B)(1), including a judicial finding for intervention in lieu of conviction and/or participation in a pre-trial diversion program relating to any of the offenses listed therein, or who are otherwise determined to have engaged in conduct unbecoming the teaching profession under certain specific circumstances set forth in Policy 8141, are subject to mandatory State reporting requirements in addition to the initiation of an action by the Board to terminate their employment.

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

In accordance with Policy 3138 and State law, the Superintendent shall immediately suspend a licensed professional staff member from all duties that require the care, custody, or control of a child during any pending criminal action for which that staff member has been arrested, summoned and/or indicted for any crimes set forth in R. C. 3319.39©.

A comprehensive list of the crimes which must result in a suspension are set forth in AG 3121.

R. C. 109.57, 109.572, 2950, 2953.32, 3301.541, 3319.291, 3319.40

Revised 7/03
Revised 11/20/06
Revised 2/25/08
Revised 4/27/09
Revised

NEW POLICY

SECTION 504/ADA
PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The Board of Education prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

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

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including

ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services", learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

District Compliance Officer

The following persons) is/are designated as the District Section 504 Compliance Officer(s)/ADA Coordinator(s) ("District Compliance Officer(s)"):

Director of Pupil Services
9292 Chillicothe Road
Kirtland, OH 44094
(440) 256-3360
(440) 256-3831 FAX

The District Compliance Officer(s) is responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officer.

The District Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA.

Training

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

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

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's Compliance Officer(s) will be posted throughout the District, and published in the District's recruitment statements or general information publications.

29 C.F.R. Part 1630
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
34 C..R. Part 104
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

Adopted

CRIMINAL HISTORY RECORD CHECK

In accordance with State law, the Board of Education requires a criminal background check including information from the Bureau of Criminal Identification and Investigation (BCII) and the Federal Bureau of Investigation (FBI) of each applicant the Superintendent recommends for employment on the District's non-teaching staff as well as for all current non-teaching employees on a periodic basis. These requirements apply to any non-teaching employee, including individuals employed by a private company under contract with the Board to provide essential school services in accordance with Policy 8142, and all substitutes and persons employed on a part-time basis such as coaches or activity supervisors.

~~Special~~ Specific rules relating to employees engaged in the operation of a vehicle for student transportation (bus/van drivers) and non-teaching employees who are also licensed by the Ohio Department of Education (e.g. aides with a permit, paraprofessionals with a license, and those individuals who do not hold a valid educator's license but who are employed by the Board under a student activity permit), ~~are set forth below.~~ Shall be implemented as prescribed by law and applicable administrative code.

A criminal background check is not required of any currently-employed staff member who is a candidate for another position in the District, unless otherwise required by law and/or this policy.

The Superintendent shall establish administrative guidelines that require an appropriate records check that complies with the law.

~~Non-Teaching Employees Not Engaged in the Operation of a Vehicle for Student Transportation (Bus/Van Driver)~~

~~The Superintendent shall establish administrative guidelines which will require an appropriate records check that complies with the law. These guidelines shall require a criminal history records check, which will include criminal history information from the Federal Bureau of Investigation (FBI), at the time of an initial application and every five (5) years thereafter, on or before September 5th of the fifth year, for current non-teaching employees every five (5) years, on or before September 5th of the fifty year, and for any individual employed by a private company under contract with the Board to provide essential school services as set forth in Policy 8142,~~

~~The guidelines shall also require that any~~ Any information and records obtained from such inquiries are not public record and shall be kept confidential and ~~shall~~ not ~~be~~ released or disseminated.

Should it be necessary to employ a person to maintain continuity of the program, prior to receipt of the criminal history record, the Superintendent may employ the person on a provisional basis until the report is received.

~~A copy of each new school bus driver's abstract driver record for at least the prior seven (7) year period must be obtained from the Bureau of Motor Vehicles prior to allowing the school bus driver to operate a school bus or school van for the first time. In accordance with State transportation regulations, the Superintendent shall request the administrator in charge of transportation to conduct semi-annual review of each school bus driver's abstract driver record through the Bureau of Motor Vehicles (or Ohio Department of Education) to determine that such drivers have:~~

~~A. no more than six (6) points within the last twenty-four (24) month period;~~

~~B. no six (6) point violations during the last seven (7) year period;~~

~~C. not been convicted of driving while under the influence of alcohol and / or a controlled substance during the past six (6) years;~~

~~D. not received two (2) (or more) of the following serious traffic violations as defined in R.C. 4506.01(DD)(1) through (DD)(&) during last twenty-four (24) month period;~~

~~1. a single charge of any speed in excess of the posted speed limit by fifteen (15) miles per hour or more;~~

~~2. violation of R.C. 4511.20 (i.e., operation in willful or wanton disregard of the safety of persons or property) or 4511.201 (i.e., operation off street or highway in willful or wanton disregard of the safety of persons or property) or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;~~

~~3.~~1. ~~violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;~~

~~4. violation of R.C. 4506.03 (i.e., commercial driver's license or temporary instruction requirements) or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involved the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated for the passengers or type of cargo being transported;~~

~~5. violation of R.C. 4506.03 (i.e., commercial driver's license or temporary instruction requirements) or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;~~

~~6. violation of R.C. 4511.33 (i.e., driving in marked lanes) or R.C. 4511.34 (i.e., space between moving vehicles) or any municipal ordinance or county or township resolution substantially similar to either of those sections, or any substantially similar law of another state or political subdivision of another state;~~

~~7. violation of any other law of this state or ordinance or resolution relating to traffic control, other than a parking violation, that is determined to be a serious traffic violation by the United States Secretary of Transportation and the Director designates such by rule; and~~

~~E. no railroad crossing violations during the last year (i.e., twelve (12) month period);~~

~~F.~~A. ~~not received any violations that render the bus driver uninsurable by the District's Fleet Insurance Carrier~~.

~~The records obtained from the annual records check will be maintained for a minimum of six (6) years. In addition, the administrator in charge of transportation will obtain an updated, satisfactory BCII report for each school bus driver being recertified every six (6) years.~~

~~Satisfactory shall be defined by the same standards applied to other non-certified public school employees. Such records shall also be maintained for a minimum of six (6) years.~~

~~If a school bus driver has any of the above-referenced violations, s/he will be disqualified from operating a school bus. The bus driver will also be notified that his/her school bus certification will be reviewed by the Superintendent and his/her employment as a school bus driver may be terminated. However, no individual will be allowed to drive a school bus or school van for a period of seven (7) years after the date of a violation for which (6) points are assessed.~~

~~If a school bus driver has an interruption in driving a school bus or school van for a period of one (1) year or longer, s/he will not be permitted to resume operating a school bus or school van until a copy of the school bus driver's abstract driver record for at least the period since the administrator last obtained the school bus driver's driving record, provided a seven (7) year driving record has been previously obtained. If the administrator has never obtained a seven (7) year driving record, the school bus driver will not be permitted to resume operating a school bus or school van until his/her abstract driver record is obtained for at least the prior seven (7) year period.~~

~~Similar to other applicants, a satisfactory BCII report is required prior to the hiring of an individual as a school bus aide for pre-school and special needs children. If the applicant cannot prove Ohio residency for the past five (5) years, a check by the FBI will be requested. In addition, the administrator in charge of transportation will obtain an updated, satisfactory BCII report for each school bus aide every six (6) years. Satisfactory shall be defined by the same standards applied to other non-certified public school employees. Such records shall also be maintained for a minimum of six (6) years.~~

~~Current Employees~~

~~Consistent with Policy 8141 and state law, certain classified employees who are also licensed by the Ohio Department of Education (e.g., aides with a permit, paraprofessionals with a license, and those individuals who do not hold a valid educator's license but who are employed by the Board under a pupil activity permit) shall be required to undergo a criminal record check as described above, upon renewal of any license certificate or permit.~~

~~Waiver~~

~~The State Department of Education may waive the requirements of a criminal background check for those classified employees who are also licensed by the Ohio Department of Education seeding the issuance or renewal of a license, certificate of permit, who have undertaken such process within the immediately preceding year.~~

~~The District retains the sole authority after an initial criminal history record check of an employee to require a subsequent criminal history record check if the District determines such a follow-up check is appropriate for continued and / or future employment of the employee.~~

Effect of Guilty Plea and / or Conviction of Enumerated rimes – All Non-Teaching Employees

Non-teaching employees who are also licensed by the Ohio Department of Education (e.g., aides with a permit, paraprofessionals with a license, and those individuals who do not hold a valid educator's license but who are employed by the Board under a student activity permit) who engage in conduct unbecoming the teaching profession and / or who it is determined have pled guilty to or have been convicted of any offense enumerated under R.C. 3319.39(B)(1), including a judicial finding for intervention in lieu of conviction and / or participation in a pre-trial diversion program relating to any of the offenses listed therein, are subject to the mandatory reporting requirements set forth in Policy 8141, in addition to an action by the Board to terminate their employment. In addition, consistent with State law and Policy 4138, the Superintendent shall immediately suspend such licensed non-teaching employees from all duties that require the care, custody, or control of a child during any pending criminal action for which that licensed, non-teaching staff member has been arrested, summoned and / or indicted for any crimes set forth in R.C. 3319.31(C).

A comprehensive list of crimes which must result in a suspension are set forth in AG 4121.

All other non-teaching employees who are the subject of a criminal records check including applicants hired provisionally in advance of a completed criminal records check, as well as student transportation employees (bus/van drivers, preschool and special needs bus aides), and / or individuals employees by a private company under contract with the Board to provide essential school services in accordance with Policy 8142, who it is determined have pled guilty to or been convicted of any offense enumerated under R.C. 3319.39(B)(1), including a judicial finding for intervention in lieu of conviction and / or participation in a pre-trial diversion

program relating to any of the offenses listed therein, shall not be hired or shall be released from employment, as applicable, unless such individual meets the rehabilitation standards adopted by

the Ohio Department of Education under division (E) of that section at the time of the hiring and / or upon discovery of such plea or conviction by the Board.

In the case of employees hired by the Board to operate a vehicle used for student transportation (i.e., bus / van drivers), a guilty plea or conviction of a crime to any offense listed in R.C. 3319.31© will serve as a bar to further employment with the Board and the rehabilitation standards will not apply.

Suspension From Duties Involving Care, Custody or Control of a Child for Arrest, Summons and / or Indictment for Certain Crimes

In accordance with State law and Policy 4138, the Superintendent (or Treasurer in the case of an employee whose duties are assigned by the Treasurer) shall immediately suspend any non-licensed, non-teaching employee from all duties that require the care, custody, or control of a child during any pending criminal action for which that staff member has been arrested, summoned and / or indicted for any crimes listed under R.C. 3319.39(B)(1).

A comprehensive list of the crimes which must result in a suspension of such non-licensed employees are set forth in AG 4121.

R.C. 109.57, 109.572, 2950, 2953.32, 3319.39, 3301.541, 3319.291, 3319.311
R.C. 3319.391, 3319.392, 3319.40, 3327.10
A.C. 3301-83-06 (B)(10), 3301-83-06 (F)(2), 3301-83-06 (F)(5)
A.C. 3301-83-10 (F), 3301-20-01, 4501-1-05

Revised 7/03
Revised 1/04
Revised 11/20/06
Revised 2/25/08
Revised 4/27/09
Revised

NEW POLICY
SECTION 504/ADA
PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The Board of Education prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

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

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing

aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

District Compliance Officer

The following person(s) is/are designated as the District Section 504 Compliance Officer(s)/ADA Coordinator(s) ("District Compliance Officer(s)"):

Director of Pupil Services
9252 Chillicothe Road
Kirtland, OH 44094
(440) 256-3360
(440) 256-3831 FAX

The District Compliance Officer(s) is responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officer.

The District Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. He Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA.

Training

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

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

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's Compliance Officer(s) will be posted throughout the District, and published in the District's recruitment statements or general information publications.

29 C.F.R. Part 1630
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
34 C.F.R. Part 104
42 U.S.C. 12101 e seq., Americans with Disabilities Act of 1990, as amended

Adopted

FMLA LEAVE

Qualifying Reasons for FMLA and Military Family Leave

In accordance with the Family and Medical Leave Act of 1993, as amended, ("FMLA"), eligible staff members may take up to twelve (12) work weeks of job-protected, unpaid leave or substitute appropriate paid leave if the staff member has earned or accrued it, for the following reasons:

A. the birth and/or care of a newborn child of the staff member, within the one (1) year of the child's birth;

B. the placement with the staff member of a child for adoption or foster care within one (1) year of the child's placement;

C. the staff member is needed to provide physical and/or psychological care for a spouse, child or parent with a serious health condition;

D. the staff member's own serious health condition makes him/her unable to perform the functions of his/her position; or

E. any qualifying exigency (as defined in applicable Federal regulations) arising out of the fact that the staff member's spouse son, daughter, or parent is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces ("Qualifying Exigency Leave"). Covered active duty means duty during deployment with the Armed Forces to a foreign country.

In addition, an eligible staff member who is a spouse, son, daughter, parent or next of kin of a covered service member with a serious injury or illness may take up to a total of twenty-six (26) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, during a "single twelve (12) month period" to provide physical and/or psychological care for the covered service member (" Military Caregiver Leave"). A covered service member is defined as (1) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; (2) a veteran who is undergoing medical treatment, recuperation, or

therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. In the case of a veteran the injury or illness could have manifested itself before or after the member became a veteran. The "single twelve (12) month period" for leave to care for a covered service member with a serious injury or illness begins the first day the staff member takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established below for general FMLA leave. During the "single twelve (12) month period", an eligible staff member is limited to a combined total of twenty-six (26) work weeks of unpaid leave for any FMLA-qualifying reason. (Only twelve (12) of the twenty-six (26) work weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

Eligible Employees

Staff members are "eligible" if they have worked for the Board for at least twelve (12) months, and for at least 1,250 hours over the twelve (12) months prior to the leave request. Months and hours that members of the National Guard or Reserve would have worked if they had not been called up for military service counts towards the staff member's eligibility for FMLA leave. While the twelve (12) months of employment need not be consecutive, employment periods prior to a break in service of seven (7) years or more will not be counted unless the break is occasioned by the staff member's fulfillment of his/her National Guard or Reserve military obligation or a written agreement (NOTE: this includes a collective bargaining agreement) exists concerning the Board's intention to rehire the staff member after the break in service.

Twelve (12) Month Period

Twelve (12) month period is defined as a fixed twelve (12) month period (i.e. the "leave year" is identical for all staff members - - e.g. a fiscal year or calendar year).

Serious Health Condition

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider. As utilized in this policy, the term "incapacity" means an inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom. The term "treatment" includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. (Treatment does not include routine physical examinations, eye examinations, or dental examinations.)

A. Inpatient care means an overnight stay in a hospital, hospice, or residential medical-care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.

B. Continuing treatment by a healthcare provider, includes any one or more of the following: 1.) "incapacity and treatment"; 2.) any incapacity related to pregnancy, or for prenatal care; 3.) any incapacity or treatment for such incapacity due to a chronic serious health condition; 4.) a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g. Alzheimer's, a severe stroke, terminal stages of a disease); or 5.) any period of absence to receive multiple treatments (including any period of recovery therefrom) by a healthcare provider or by a provider of healthcare services under orders of, or on referral by, a healthcare provider for a.) restorative surgery after an accident, or b.) other injury or a condition that would likely result in a period or incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc), severe arthritis (physical therapy), or kidney disease (dialysis).

1. "Incapacity and treatment" involves a period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves a.) treatment two (2) or more times, within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a healthcare provider, by a nurse under direct supervision of a healthcare provider, or by a provider of healthcare services (e.g. physical therapist) under orders of, or on referral by, a healthcare provider, or b.) treatment by a healthcare provider on at least one (1) occasion

that results in a regimen of continuing treatment under the supervision of the healthcare provider.

a. Treatment by a healthcare provider as referenced above involves an in-person visit to a healthcare provider. The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity. The healthcare provider is responsible for determining whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30) day period.

b. Regimen of continuing treatment includes a course of prescription medication (e.g. antibiotics), or therapy requiring special equipment to resolve or alleviate the health condition (e.g. oxygen).

c. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a healthcare provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

2. A period of incapacity related to pregnancy need not involve a visit to the healthcare provider for each absence, and the absence need not last more than three (3) consecutive, full calendar days.

3. A chronic serious health condition is one that: a.) requires periodic visits (i.e. at least twice a year) for treatment by a healthcare provider, or by a nurse under direct supervision of a healthcare provider; b.) continues over an extended period of time (including recurring episodes of a single underlying condition); and c.) may cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.). A visit to a healthcare provider is not necessary for each absence, and each absence need not last more than three (3) consecutive, full calendar days.

4. With regard to permanent or long-term conditions, the employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider.

C. Conditions for which cosmetic treatments are administered (e.g. most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet the definition of a serious health condition and do not quality for FMLA leave.

Intermittent and Reduced Schedule Leave

The Superintendent may allow a staff member to take FMLA leave intermittently (i.e. leave in separate blocks of time for a single qualifying reason) or on a reduced schedule leave (i.e. reducing the employee's usual weekly or daily work schedule) for reason (A) or (B) on page one. A staff member is entitled to take FMLA leave on an intermittent or reduced schedule leave when medically necessary as indicated in reasons (C) and (D) on page one. A staff member may also take FMLA leave on an intermittent or reduced schedule leave for Qualifying Exigency Leave (i.e. reason (E) on page one). Finally, Military Caregiver Leave may be taken on an intermittent or reduced schedule leave when medically necessary. Regardless, the taking of FMLA leave intermittently or on a reduced schedule leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of leave actually taken. If the intermittent or reduced schedule leave is foreseeable based on planned medical treatment for the employee, a family member or a covered service member, the Superintendent may require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave than the staff member's regular position. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. The Superintendent may also transfer the staff member to a part-time job with the same hourly rate of pay and benefits, provided the staff member is not required to take more leave than is medically necessary.

When leave is needed for planned medical treatment, the staff member must make a reasonable effort to schedule the treatment so as not to unduly disrupt the District's operations, subject to the approval of the healthcare provider.

If the Superintendent agrees to permit FMLA leave intermittently or on a reduced schedule leave for reason (A) or (B) on page one, the Board may also require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave than does the staff member's regular position.

Staff Member Notice Requirements (Forms available at the U.S. Department of Labor Website: www.dol.gov)

Staff members seeking to use FMLA leave (including Military Caregiver Leave) are required to provide thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than thirty (30) days in advance, the staff member must provide notice as soon as practicable – generally, either the same or next business day. When the need for leave is not foreseeable, the staff member must provide notice as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, staff members must comply with the Board's usual and customary notice and procedural requirements for requesting leave. Failure to provide timely notice may result in the leave being delayed or denied, and/or possible disciplinary action.

Staff members must provide "sufficient information" for the Superintendent to determine whether the FMLA may apply to leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, that the staff member or his/her qualifying family member is under the continuing care of a healthcare provider, that the requested leave is for a particular qualifying exigency related to a qualifying family member's covered active duty or call to covered active duty status, or that the leave due to a qualifying family member who is a covered service member with a serious injury or illness. The information may also include the anticipated timing and duration of the leave.

When a staff member seeks leave for a FMLA-qualifying reason for the first time, the staff member need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave however, due to a FMLA-qualifying reason for which the District has previously provided the staff member FMA-protected leave, the staff member must specifically reference either the qualifying reason for leave or the need for FMLA leave.

Substitution of Paid Leave

The Board may require the staff member to "substitute" (i.e. run concurrently) any of his/her earned or accrued paid leave (e.g. sick leave, personal leave, assault leave, vacation leave, family leave) for unpaid FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the District's normal leave policy. A staff member electing to use any type of paid leave concurrently with FMLA leave must follow the same terms and conditions of the Board's policy that apply to other employees for use of such leave. The staff member is always entitled to unpaid FMLA leave if s/he does not meet the Board's conditions for taking paid leave. On occasion the Board may waive any procedural requirements for the taking of any type of paid leave.

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) work week period of FMLA leave or a twenty-six (26) work week period of Military Caregiver Leave, the additional weeks of leave to obtain the twelve (12) work weeks of FMLA leave or twenty-six (26) work weeks of Military Caregiver Leave the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave in substitution for unpaid FMLA leave/Military Caregiver Leave, such leave counts toward the twelve (12) work week/twenty-six (26) work week maximum leave allowance provided by this policy and Federal Law.

District Notice Requirements (Forms available at the U.S. Department of Labor Website: www.dol.gov)

The Superintendent is directed to post the Department of Labor approved Notice explaining employees' rights and responsibilities under the FMLA. Additionally, this general notice shall be included in employee handbooks or other written guidance to staff members concerning benefits or leave rights or, in the alternative, distributed to each new staff member upon hiring.

When a staff member requests FMLA leave or the District acquires knowledge, that leave may be for a FMLA purpose, the Superintendent shall notify the staff member of his/her eligibility to take leave, and inform the staff member of his/her rights and responsibilities under the FMLA (including the consequences of failing to meet those obligations). Along with the Notice of Rights and Responsibilities, the Superintendent will attach any medical certification that may be required, and a copy of the employee's essential job functions.

(NOTE: If the essential job functions are not provided at this time, they must be provided with the Designation Notice Form.) If the Superintendent determines the staff member is not eligible for FMLA leave, the Superintendent must state at least one (1) reason why the staff member is not eligible. Such notice may be given orally or in writing and should be given within five (5) business days of the request for FMLA leave, absent extenuating circumstances. When oral notice is given, it must be followed by written notice within five (5) business days. Staff member eligibility is determined (and notice provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable twelve (12) month period. All FMLA absences for the same qualifying reason are considered a single leave and staff member eligibility as to that reason for leave does not change during the applicable twelve (12) month period. If at the time a staff member provides notice of a subsequent need for FMLA leave during the applicable twelve (12) month period due to a different FMLA-qualifying reason and the staff member's eligibility status has not changed, no additional eligibility notice is required. If, however, the staff member's eligibility status has changed, the Superintendent must notify the staff member of the change in eligibility status within five (5) business days, absent extenuating circumstances.

If the specific information provided by the Notice of Rights and Responsibilities changes, the Superintendent shall, within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any changes, provide written notice referencing the prior notice and setting forth any of the information in the Notice of Rights and Responsibilities that has changed.

When the Superintendent has sufficient information to determine that leave is being taken for a FMLA-qualifying reason (e.g. after receiving certification), the Superintendent shall notify the staff member whether the leave will be designated and counted as FMLA leave. Leave that qualifies as both Military Caregiver Leave and leave to care for a qualifying family member with a serious health condition (i.e. reason (C) must be considered as Military Caregiver Leave in the first instance. This designation must be in writing and must be given within five (5) business days of the determination, absent extenuating circumstances. Additionally, when appropriate, the Superintendent shall notify the staff member of the number of hours, days and weeks that will be counted against the employee's FMLA entitlement, and whether the employee will be required to provide a fitness-for-duty certification to return to work. (NOTE: If a handbook or other written document clearly provides that fitness-for-duty certification will be required in specific circumstances, the Board's designee may provide only oral notice of this requirement.)

Only one Designation Notice is required for each FMLA-qualifying reason per applicable twelve (12) month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or as intermittent or on a reduced schedule leave. If the Superintendent determines the leave will not be designated as FMLA-qualifying (e.g. if the leave is not for a reason covered by the FMLA or the staff member's FMLA leave entitlement has been exhausted), the Superintendent shall notify the staff member of that determination. If the staff member is required to substitute paid leave for unpaid FMLA leave, or if paid leave taken under an existing leave plan is being counted as FMLA leave, the "Designation Notice" shall include this information. Additionally, the "Designation Notice" shall notify the staff member if s/he is required to present a fitness-for-duty certification to be restored to employment. Further if the fitness-for-duty certification is required to address the staff member's ability to perform the essential functions of his/her job, that will be indicated on the Designation Notice, and a list of the essential functions of the staff member's position will be included.

If the information provided to the staff member in the Designation Notice changes, the Superintendent shall provide, within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any change, written notice of the change.

In the case of intermittent or reduced-leave schedule leave, only one such notice is required unless the circumstances regarding the leave have changed.

Limits on FMLA When Both Spouses are Employed by the Board

When an eligible husband and wife are both employed by the Board, they are limited to a combined total of twelve (12) workweeks of FMLA leave during any twelve (12) month period if the leave is taken for reason (A) or (B) on page one, or to care for the staff member's parent who has a serious health condition.

Where the husband and wife both use a portion of the total twelve (12) week FMLA leave entitlement for reason (A) or (B) on page one, or to care for a parent, the husband and wife are each entitled to the difference between the amount s/he has taken individually and the twelve (12) weeks of FMLA leave for other purposes.

When an eligible husband and wife are both employed by the Board, they are limited to a combined total of twenty-six (26) workweeks of Military Caregiver Leave during the "single twelve (12) month period" if the leave is taken for reason (A) or (B) on page one, or to care for the staff member's parent who has a serious health condition, or to care for a covered service member with a serious injury or illness.

Certification

When FMLA leave is taken for either reason (C) or (D) on page one, the staff member must provide medical certification from the healthcare provider of the eligible staff member or his/her immediate family member. The staff member may either:

A. submit the completed medical certification to the Superintendent; or

B. direct the healthcare provider to transfer the completed medical certification directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

If the staff member fails to provide appropriate medical certification, any leave taken by the employee shall not constitute FMLA leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

The Board reserves the right to require second or third opinions (at the Board's expense), and periodic recertification of a serious health condition. If a third opinion is sought, that opinion shall be binding and final. The staff member may either:

A. submit the opinion of the second healthcare provider, and the opinion of the third healthcare provider if applicable, to the Superintendent;

B. direct the second or third healthcare provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-complaint authorization.

In the event that the staff member fails to provide the medical opinion of the second or third healthcare provider, if applicable, any leave taken by the staff member shall not constitute FMLA leave.

Recertification

Recertification may be required no more often than every thirty (30) days in connection with an absence by the staff member unless the condition will last for more than thirty (30) days. For conditions that are certified as having a minimum duration of more than thirty (30) days, the District will not request recertification until the specified period has passed, except that in all cases the staff member must submit recertification every six (6) months in connection with an absence by the employee. Additionally, the Superintendent may require a staff member to provide recertification in less than thirty (30) days if the staff member requests an extension of leave, the circumstances described in the previous certification have changed significantly, or if the District receives information that casts doubt upon the staff member's stated reason for the absence or the continuing validity of the certification. Finally, staff members must provide a new medical certification each leave year for medical conditions that last longer than one (1) year.

Staff members requesting Qualifying Exigency Leave are required to submit to the Superintendent a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party.

Staff members requesting Military Caregiver Leave are required to submit to the Superintendent certification completed by an authorized healthcare provider or a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

The Board authorizes its healthcare provider and/or leave administrator – to authenticate or clarify a medical certification of a serious health condition, or an ITO or ITA (i.e. medical certification provided for reasons (C) or (D) on page one, or Military Caregiver Leave). Additionally, the Superintendent is authorized to contact the individual or entity named in the Qualified Exigency leave certification for purposes of verifying the existence and nature of the meeting.

A staff member who takes leave for reason (D) on page one, prior to returning to work, must provide the Superintendent with a fitness-for-duty certification that specifically addresses the staff member's ability to perform the essential functions of his/her job. The fitness-for-duty certification shall only apply to the particular health condition that caused the staff member's need for FMLA leave. (NOTE: If this option is selected, it must be uniformly applied to all similarly-situated employees (i.e. same occupation, same serious health condition) returning from leave for their own serious health condition, and a list of the employee's essential functions must be provided to him/her at the time his/her leave was designated as FMLA leave). If reasonable safety concerns exist, the Superintendent may, under certain circumstances, require a staff member to submit a fitness-for-duty certification before s/he returns to work from intermittent FMLA leave. The cost of the certification shall be borne by the staff member.

Job Restoration & Maintenance of Health Benefits

Upon return from FMLA leave, the Board shall restore the staff member to his/her former position, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the Superintendent to minimize disruption to the student's program.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave shall not result in the loss of any employment benefit that the staff member earned or was entitled to before using FMLA leave. If a bonus or other payment, however, is based on the achievement of a specified goal such as hours worked or perfect attendance, and the employee does not meet the goal due to FMLA leave, payment shall be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.

A staff member shall have no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that entitles the staff member to leave pursuant to reasons (C) or (D) on page one or Military Caregiver Leave, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

Generally, a staff member may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent shall prepare any guidelines that are appropriate for this policy and verify that the policy is posted properly.

Copies of this policy shall be available to staff members upon request.

29 U.S.C. 2601 et seq. (as amended)
29 C.F.R. Part 825
45 C.F.R. Part 160, 164

Adopted:

CALL TO ACTIVE DUTY LEAVE

Once per calendar year, an eligible staff member may take leave for up to ten (10) days or eighty (80) hours, whichever is less, if all of the following conditions are satisfied:

A. The Board of Education has employed the staff member for at least twelve (12) consecutive months and for at least 1,250 hours in the twelve (12) months immediately preceding commencement of the leave.

B. The staff member is the parent, spouse, or a person who has or had legal custody of a person who is a member of the uniformed services and who is called into active duty in the uniformed services for a period longer than thirty (30) days, or is injured, wounded, or hospitalized while serving on active duty in the uniformed services.

C. The staff member gives notice to the Board that s/he intends to take leave pursuant to this policy at least fourteen (14) days prior to taking the leave if the leave is being taken because of a call to active duty or at least two (2) days prior to taking the leave if the leave is being taken because of an injury, wound, or hospitalization. If the staff member receives notice from a representative of the uniformed services that the injury, wound, or hospitalization is of a critical or life-threatening nature, the staff member may take the leave under this policy without providing prior notice to the Board.

D. In non-medical situations, the dates on which the staff member takes leave pursuant to this policy occur no more than two (2) weeks prior to or one (1) week after the deployment date of the employee's spouse, child, ward, or former ward.

E. The staff member does not have any other leave available for his/her use except sick leave or disability leave.

A staff member seeking to take leave pursuant to this policy must provide certification from the appropriate military authority to verify that the staff member satisfies the criteria described in paragraphs B, C, and D above.

"Active Duty" means full-time duty in the active military service of the United States or active duty pursuant to an executive order of the President of the United States, and act of the Congress of the United States, or a proclamation of the Governor. "Active Duty" does not include active duty for training, initial active duty for training, or the period of time for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any duty unless such period is contemporaneous with an active duty period.

"Uniformed Services" means the armed forces, the Ohio organized militia when engaged in full-time National Guard duty, the commissioned corps of the public health service, and any other category of persons designated by the President of the United States in time of war or emergency.

While the leave provided by this policy is unpaid, the Board will continue to provide benefits to the staff member during the period of time the staff member is on this leave. For purposes of this policy, "benefits" is defined as employment benefits, other than salary or wages, that the Board regularly provides or makes available to employees, including, but not limited to, medical insurance, disability insurance, life insurance, pension plans, and retirement plans. The staff member is responsible for the same proportion of the cost of the benefits as s/he regularly pays during periods of time when s/he is not on leave.

Upon the completion of the leave taken pursuant to this policy, the Board will restore the staff member to the position s/he held prior to taking that leave or a position with equivalent seniority, benefits, pay, and other terms and conditions of employment.

The Board will not interfere with, restrain, or deny the exercise or attempted exercise of a right established under this policy. Further, the Board will not discharge, fine, suspend, expel, discipline, or discriminate against a staff member with respect to any term or condition of employment because of the staff member's actual or potential exercise, or support for another employee's exercise, of any right established under this policy. Nothing herein shall prevent the Board from taking an employment action that is independent of the exercise of a right under this policy. Finally, the Board will not deprive an employee who takes leave pursuant to this policy of any benefit that accrued before the date that leave commences.

R.C. 5906.01-.03
Adopted

NEW POLICY
AUTHORIZATION TO USE FACSIMILE SIGNATURE

The Board of Education authorizes the Treasurer and/or Board President to prepare and utilize a facsimile signature, in lieu of their manual signature, and to affix such facsimile signature to any of the following instruments: checks; drafts; warrants; vouchers; or other instruments for the payment of money and necessary or desirable in connection with the withdrawal of Board funds for and on its behalf. The individual specified above may affix their manual or facsimile signature to the instruments identified so long as they continue to act as such officers/employees. The use of facsimile signatures is expressly approved by the Board. Said checks, drafts, warrants, vouchers, or other instruments for the payment of money may be drawn or relate to the accounts of the Kirtland Local School District with the various financial institutions (depositories/banks) with which the Kirtland Local School District conducts business.

The Board directs that the financial institutions (depositories/banks), with which the Kirtland Local School District does business, are authorized and requested to accept, honor, cash, pay or transfer, without limit as to the amount or without further inquiry, checks bearing the authorized signature(s) as provided by the immediately preceding paragraph whether tendered in payment of an individual obligation or deposited in the account of the Kirtland Local School District. The Treasurer is directed to provide written notice of the adoption of any facsimile signature to the depository from which funds are to be withdrawn, which notice shall include a description of the device to be used, a specimen of such facsimile signature, and a copy of this policy. Prior to use of the facsimile signature, the written approval of such depository must be obtained.

Facsimile signature is defined to include, but is not limited to, the reproduction of any authorized signature by a copper plate or by a photographic, photostatic, or mechanical device. Facsimile signature does not authorize the use of a rubber stamp signature for any of the instruments detailed above.

The actual facsimile signature should be maintained under the care, custody and control of the Treasurer's Department and, as further precaution, all checks must be entered into the check register so that all numbers can be accounted for.

The Superintendent, Treasurer and Board President are authorized, on behalf of the Board, to sign employment contracts, duly acted upon by the Board, by facsimile signature.

R.C. 9.10, 9.11, 9.12, 9.14, 133.27

Adopted

APPROPRIATIONS AND SPENDING PLAN

The annual appropriation measure shall be designed to carry out District operations in a thorough and efficient manner, maintain District facilities properly, and honor continuing obligations of the Board of Education.

The Board may establish a Board Service account which shall not exceed the greater of ~~two dollars~~ $2.00 ~~($2.00)~~ per enrolled student or $20,000 ~~and will be part of the General Fund appropriation~~. The Board Service ~~Account~~ Fund shall be set aside from the General Account, on an annual basis, by resolution of the Board and shall be used to pay expenses actually incurred by Board members in the performance of their official duties. Such ~~account~~ fund may also be used to pay for the expenses actually incurred by newly elected Board members relative to training and orientation to the performance of their duties prior to taking office. Appropriations from this ~~account~~ fund shall not exceed the sum specified by R.C. 3315.15 in any one school year.

An annual appropriations resolution shall be developed, approved, and filed according to statute and the requirements of the Auditor of the State of Ohio.

The appropriation measure shall be adopted at the fund level for all funds.

The Board shall adopt as part of its annual appropriation measure a spending plan (also known as a forecast ~~The Five (5) Year Forecast~~), as prescribed by statute, or in the case of an amendment or supplement to an appropriation measure, an amended spending plan setting forth a ~~five (5) year~~ projection of revenue, ~~and~~ expenditures, and assumptions. ~~of the~~ The forecast shall include the General Fund, any special cost center associated with General Fund money, Emergency Levy funds, any Debt Service activity that would otherwise have gone to the General Fund, DPIA, and Poverty Based Assistance (PBA) funds. ~~and any Debt Service related to the General Fund.~~ A copy of the annual appropriation measure and any amendment or supplement to it and the spending plan or amended plan shall be revenues available for appropriation by the District during such eyar and their sources; the nature and amount of expenses to be incurred during the year; the outstanding and unpaid expenses on the date the measure, amendment, or other information the Superintendent or State law requires.

The plan, ~~or~~ amended plan, and updates shall be presented in such detail and form and at such times as the Superintendent of Public Instruction or State law prescribes.

R.C. 3313.15, 3316.13, 5705.29, 5705.36, 5705.38(B), 5705.391
R.C. 5705.41, 5705.412, 5705.45
A.C. 3301-92-04

Revised 7/03
Revised 8/04
Revised

APPROPRIATIONS IMPLEMENTATION

The Board of Education places the responsibility of administering the appropriations, once adopted, with the Superintendent. S/He may consult with the Treasurer when major purchases are considered and shall keep the Board informed as to problems or concerns as the appropriations are being implemented.

The Superintendent shall be authorized to proceed with making financial commitments, purchases, and other expenditures within limits provided in the appropriations, limitations stated in Board policies, and within legal authority expressed in State statutes.

Listings of expenditures, appropriate financial reports, and budget comparison reports shall be submitted monthly to the Board to keep members informed as to the status of the appropriations and overall financial condition of the District.

As a part of the regular fiscal report to the Board, the Treasurer shall include any occurrences of non-compliance with Ohio Budgetary Law, as well as any occurrences that actual revenues are less than estimated revenues, including the available equity upon which the appropriations from the fund were based. The Treasurer shall present to the Board recommended amendments to the General Appropriations Act that will prevent expenditures from exceeding revenues. Such recommendations shall be in accordance with requirements of the law and provisions of negotiated agreements.

Approved:

PURCHASES

Quotations and Bids

It is the policy of the Board of Education that the Treasurer seek at least three (3) price quotations on purchases of more than $15,000.00 for a single item, except in cases of emergency or when the materials purchased are of such a nature that price negotiations would not result in a savings to the District or when the item is subject to formal bid. Standardized purchasing procedures of the District (AG 6320A) shall be followed when purchasing on the basis of price quotations from vendors.

When the purchase of, and contract for, single items of supplies, materials, or equipment amounts to $25,000 or more, and when the Board determines to build, enlarge, improve, or demolish a school building the cost of which will exceed $25,000, the Treasurer shall obtain competitive bids.

In accordance with statute, the Board may elect to forego the bidding for contracts in any of the following situations:

a. the acquisition of educational materials used in teaching;

b. if the Board elects and declares by resolution to participate in purchase contracts, in accordance with R.C. Chapter 125 and the terms and conditions prescribed by the Department of Administrative Services;

c. if the Board determines and declares by resolution adopted by two-thirds (2/3's) of its members that any item is available and can be acquired only from a single source;

d. the acquisition of computer software and/or computer hardware for instructional purposes.

The Superintendent shall verify that the specifications for any public improvement project for which bids are solicited do not require any bidder to:

a. enter into agreements with labor organizations on said public improvement; or

b. enter into an agreement that requires its employees to become members of or pay fees or dues to a labor organization as a condition of employment or continued employment.

~~It is the policy of the Board of Education that the public good be the primary consideration in determining bidding requirements. In order to do so, the bidding procedures shall provide equal opportunity to each responsible vendor to furnish supplies and equipment and to keep the administration, Board, and public informed on business mattes. Further, purchases shall, whenever possible, be on an aggregate basis and not be intentionally split to avoid requirements for competitive bidding.~~

~~The following policy is adopted for the guidance of the administrative staff in identifying those items for which competitive bids must be obtained, to ensure compliance with State Statutes and to delegate the authority necessary to conduct the bidding procedures in an orderly and efficient manner.~~

~~Whenever the Board builds, repairs, enlarges, or furnishes a schoolhouse, whether by purchase, contract, or agreement including acquisition by sale, lease exchange, discount, negotiation, mortgage, pledge, lien, issue or reissue, or any other voluntary transaction for consideration creating an interest in property not made by contract or agreement, such transaction shall be subject to bidding whenever the aggregate value of such purchase exceeds $25,000 or the legal maximum limit in accordance with R.C. 9.312.~~

Bids shall be sealed and shall be opened ~~may be opened publicly~~ by the Treasurer in the presence of at least one (1) witness. ~~before one or more witnesses at a previously designated time and place. Contracts shall be awarded to the lowest responsible bidder upon resolution of the Board, unless the Board chooses to reject all bids~~

Soliciting of Bids

The Board, by resolution, may award a bid to the lowest responsive and responsible bidder ~~in accordance with R.C. 9.312~~. For a bidder to be considered responsive the proposal must respond to all bid specifications in all material respects and contain no irregularities or deviations from the bid specifications that would affect the amount of the bid or otherwise provide a competitive advantage. For a bidder to be deemed responsible, the Board may request evidence from the bidder concerning:

a. the experience (type of product or service being purchased, etc.) of the bidder;

b. the financial condition;

c. the conduct and performance on previous contracts (with the District or other agencies);

d. the ability to execute the contract properly.

Awarding of Bids

The Board shall approve all contracts resulting from competitive bids prior to being awarded. The Board reserves the right to reject any or all bids.

~~Whenever a contractor submits a bid for the performance of work and the contractor later claims a mistake, error, or omission in preparing said bid, the contractor shall, before the bids are open, make known the fact and in such case, the bid shall be returned unopened.~~

In situations in which the Board has resolved to award a bid to the lowest responsible and responsive bidder and the low bidder does not meet the considerations specified above, the Board shall so notify the bidder, in writing, by certified mail. The bidder may protest the award of a bid within five (5) days of the notification and the Board shall meet with the protesting bidder and then reaffirm or reverse its decision.

The and Now Certificate

If the Treasurer can certify that both at the time of the purchase and at the time of certification, sufficient funds were available or in the process of collection, to the credit of the respective fund, properly appropriated and free from previous encumbrance, the expenditure may be authorized. The Board may approve such payment within thirty (30) days from receipt of such certificate.

Amounts of less than $3,000 may be paid by the Treasurer upon completion of the "then and now" certificate, provided that the expenditure is otherwise lawful.

The Superintendent is authorized to make emergency purchases, without prior adjustment, of those goods and/or services needed to keep the schools in operation. Such purchases shall be brought to the Board's attention at the next regular meeting.

"Blanket" Certificates

The Treasurer may issue "blanket" purchase orders (certificates) for a sum not exceeding an amount established by resolution of the Board against any specific line item account over a period of time, not to extend beyond the end of the fiscal year in which it is issued. Only one (1) "blanket" purchase order certificate) may be outstanding at any one (1) particular time for any one (1) particular line item appropriation.

"Super Blanket" Certificates

The Treasurer may issue "super blanket" purchase orders (certificates) for any amount for expenditures and contracts from a specific line-item appropriation account in a specified fund for most professional services, fuel, oil, food items, and any other specific recurring and reasonably predictable operating expense. Such a purchase order (certificate) shall not extend beyond the fiscal year.

A completed DMA form with not positive indications that material assistance has been provided to a terrorist organization is required of each private person or entity with whom the Board intends to enter into a contract that amounts to an aggregate of greater than $100,000 annually.

Contracts for Development and Improvement of Facilities

All contemplated contracts for professional design services such as from an architect or for construction management shall be in accordance with R.C. 9.33, 9.333, and 153.54 et seq.

Lease-Purchase Agreements

Lease-purchase agreements entered into by the Board shall be in accordance with R.C. 3313.375. Such agreements shall be a series of not more than thirty (30) one-year renewable lease terms, after which time ownership is transferred to the Board if all obligations of the Board under the agreement have been satisfied.

Purchases from the State

In accordance with State law (R.C. 4115.31 et seq.), the Superintendent shall purchase products and services which are available from the Ohio Industries for the Handicapped (OIH) when such products or services are needed by the District. The Superintendent is to maintain the current catalog provided by OIH and inform all District personnel who may be purchasing products or services of the catalog's current listings.

Quantity Purchases

In order to promote efficiency and economy in the operation of the District, the Board requires that the Treasurer periodically estimate requirements for standard items or classes of items and make quantity purchases on a bid basis to procure the lowest cost consistent with good quality.

Whenever storage facilities or other conditions make it impractical to receive total delivery at any one time, the total quantity to be shipped but with staggered delivery dates, shall be made a pat of the bid specifications.

Requirements

Before the Treasurer places a purchase order, s/he shall check as to whether the proposed purchase is subject to bid, whether sufficient funds exist in the budget, and whether the material might be available elsewhere in the District. All purchase orders shall be numbered consecutively.

In the interests of economy, fairness, and efficiency in its business dealings, the Board requires that:

a. items commonly used in the various schools or units thereof, be standardized whenever consistency with educational goals can be maintained;

b. opportunity be provided to as many responsible supplies as possible to do business with the School District. To this end, the Treasurer shall develop and maintain lists of potential supplies for various types of supplies, equipment, and services;

c. where the requisitioner has recommended a supplier, the Treasurer may make alternate suggestions to the requisitioner if, in his/her judgement, better service, delivery, economy, or utility can be achieved by changing the proposed order.

The Board may acquire equipment as defined in law by lease, by installment payments, by entering into lease-purchase agreements, or by lease with an option to purchase provided the contract sets forth the terms of such a purchase.

Reverse Auctions

It is the policy of the Board to permit the use of a reverse auction to purchase services and supplies whenever it is determined that the reverse auction process will be advantageous to the District (e.g., result in a cost savings to the District). To that end, vendors may submit proposals when competing to sell services and/or supplies in an open environment via the Internet. While the reverse auction process may be used to purchase supplies such as equipment, materials, tangible assets and insurance, the process may not be used to purchase real property or interests in real property. The process may also be used to purchase services such as the furnishing of labor, time, or effort by a person, provided such services do not involve the delivery of a specific end product other than a report, and are not being furnished in connection with an employment agreement or collective bargaining agreement.

The Board will provide notice of the request for proposals and award contracts in accordance with the Superintendent's administrative guidelines. When competitive sealed bidding and/or competitive sealed proposals for the purchase of sevices or supplies are required by law, purchases made by reverse auction will satisfy such legal requirement.

R.C. 9.25, 9.30, 9.311, 9.312, 9.314, 125.04, 153.12, 153.54, 2909.33,
R.C. 3313.37, 3313.375, 3313.46, 4115.32 et seq., 4116.02, 4116.03, 5705.41
R.C. 5705.45

~~The Board may, at its discretion, allow for a hearing prior to making this decision.~~

~~In cases of urgent necessity, the above procedures may not be followed.~~

~~Contracts for Development and Improvement of Facilities~~

~~All contemplated contracts for professional design services such as from an architect or for construction management shall be in accordance with R.C. 9.33, 9.333, and R.C. 153.54 et seq.~~

~~R.C. 9.25,9.30, 9.31, 9.311, 9.312, 153.12, 153.54, 3313.37, 3313,375, 3313.46~~
~~R.C. 4115.32, et seq. 4116.02, 4116.03, 5705.41, 5705.45~~

Revised:

VENDOR RELATIONS

The Board of Education shall not enter a contract knowingly with any supplier of goods or services to this District under which any Board member or officer, employee, or agent of this School District has any pecuniary or beneficial interest, direct or indirect, unless the person has not solicited the contract or participated in the negotiations leading up to the contract. This prohibition shall not prevent any person from receiving royalties upon the sale of ~~any~~ any educational material ~~textbook~~ of which s/he is the author and which has been properly approved for use in the schools of this District.

Board members and school personnel shall not accept any form of compensation from vendors that might influence their recommendations on the eventual purchase of equipment, supplies, or services. Furthermore, Board members and school personnel shall not accept any compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, Boar members or school personnel who recommend ~~purchases,~~purchases shall not enter into a contractual arrangement with a vendor seeking to do business with the District, or a vendor with whom the District is doing business, whereby an individual board member or member of the school staff receives compensation in any form for services rendered.

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

Employee accrual o personal frequent-flyer miles, hotel "bonus points", credit card "rewards", or any other reward under such affinity programs (including credit points or rewards directed to non-profit organizations) or other merchant "rewards" programs as a result of a District purchase is strictly prohibited.

All sales persons, regardless of product, shall clear with the Superintendent's office before contacting any teachers, students, or other personnel of the School District. Purchasing personnel shall not show any favoritism to any vendor. Each order shall be placed in accordance with policies of the Board on the basis of quality, price, and delivery with past service a factor if all other considerations are equal.

In accordance with State law, Policy 4121, and Policy 8142, a criminal background check is required of any non-teaching employee, including individuals employed by a private company / vendor under contract with the Board to provide essential school services who will work within the District in a position which does not require a license issued by the State Board of Education, is not for the operation of a vehicle for student transportation, but does involve routine interaction with a child or regular responsibility for the care, custody, or control of a child.

A completed DMA form with not positive indications that material assistance has been provided to a terrorist organization is required of each private person or entity with whom the Board intends to enter into a contract that amounts to an aggregate of greater than $100,000 annually.

A private person or entity with whom the Board enters into frequent contracts may apply for pre-certification. Pre-certification is specific to the District and is effective for one (1) year at a time.

R.C. 2909.33, 3319.391, 3319.392
Auditor's Bulletin 2000-006

Revised 2/12/07
Revised

NEW POLICY
TRAVEL PAYMENT& REIMBURSEMENT

Travel expenses incurred for official business travel on behalf of the District shall be limited to those expenses necessarily incurred by the employee in the performance of a public purpose authorized, in advance, in accordance with administrative guidelines.

Payment and reimbursement rates for per diem, meals, lodging, and mileage shall be established by the District and approved by the Board annually. The District shall establish mileage rates in accordance with the Federal IRS prescribed mileage rate. Employees are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include but are not limited to alcohol, movies, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

All travel shall comply with the travel procedures and rates established in the administrative guidelines.

Adopted

DISPOSITION OF REAL PROPERTY/PERSONAL PROPERTY

~~The Board of Education believes that the efficient administration of the District requires the disposition of real property and personal property, no longer necessary for the educational program or the operation of the School District.~~

The Board of Education believes that the efficient administration of the District may require the disposition of real property and/or personal property that is no longer necessary to meet the educational or operational needs of the School District.

All property considered for disposition (sale) may be subjected to a current, outside, professional appraisal prior to the solicitation of offers.

Disposition of Personal Property

Personal property, the value of which does not exceed $10,000, shall be disposed of by the Superintendent in such a manner as will be in the public interest and benefit the School District (See Policy 7310~~).~~ and Donation of Real or Personal Property). If the Board decides to trade an item of personal property as a part or an entire consideration on the purchase price of an item of similar personal property, the Board may trade the personal property upon such terms as are agreed upon by the parties.

Disposition of Real Property under $10,000

Real property, the value of which does not exceed $10,000.00, shall be disposed of by the Board in such manner as will be in the public interest and benefit to the School District and may be accomplished by private sale.

Disposition of Real Property over $10,000

Property, the value of which exceeds $10,000, shall be sold at public ~~sale~~ auction to the highest bidder in accordance with law. The Board may offer real property for sale as an entire tract or in parcels.

~~Unless the property is being sold to an exempt entity, as defined in R.C. 3313.41(C), or the property is being exchanged for an identified parcel of real property that the Board determines it needs for school purposes or the property is being used as part or an entire consideration for the purchase price of the identified real property, pursuant to R.C. 3313.41(F), the District shall attempt to sell the property by public auction after giving proper thirty (30) day notice.~~

A. Unless the property is being:

1. sold to an exempt entity, as defined in R.C. 3313.41(C);

2. sold to a community school as set forth in R.C. 3313.41(G) or

3. exchanged for an identified parcel of real property that the Board determines it needs for school purposes or the property is being used as part or an entire consideration for the purchase price of the identified real property, pursuant to R.C. 3313.41(F).

B. If, after the property has been offered once by public auction, no acceptable bids have been received, the District may sell the property at private sale. The ~~the~~ following procedure shall apply:

1. Regardless of how the property was offered at public auction, at a private sale, the Board shall, as it considers best, sell real property as an entire tract or in parcels. Personal property shall be sold in either a single lot or several lots.

~~A.~~2. All written offers on real property under consideration for disposition shall be presented as an item on the agenda of a public Board meeting. A preliminary review of offers to purchase or lease shall include: source of offer, date of offer, expiration date of offer, and intended use of property.

~~1.~~3. In consideration of the best interest of the District and of the residents and taxpayers, the Board reserves the right to reject any and all offers at its sole discretion, regardless of price and terms.

4. Potential purchasers or lessees shall demonstrate financial capability to meet the terms and conditions of their purchase or lease offer.

~~B.~~C. The Board may dispose of property upon the majority vote of the members of the Board and a concurring vote of the legislative authority of a municipal corporation, declaring that an exchange of real property held by the District for school purposes for real estate held by the municipal corporation for municipal purposes will be mutually beneficial to both the District and the municipal corporation. The exchange may be made by conveyances that are executed by the President and Treasurer of the Board and the Mayor and Clerk of the municipal corporation, respectively.

~~C.~~D. The Board President and Treasurer shall execute and deliver deeds or other necessary instruments of conveyance to complete any sale or trade under this policy.

Donation of Real or Personal Property

A. Prior to donating the property, the Board shall adopt a resolution that contains the following:

1. a statement expressing the Board's intent to make unneeded, obsolete or unfit-for-use, District property available to nonprofit organizations;

2. guidelines and procedures the Board considers to be necessary to implement the donation program;

3. an indication of whether the District will conduct such program or by a representative under contract with the Board;

4. contact information for such representative, if the person is known when the resolution is adopted;

5. a requirement that any nonprofit organization desiring to obtain donated property submit a written notice to the Board or its representative that includes:

   a. evidence that the organization is a nonprofit organization that is located in the State of Ohio and exempt from Federal income taxation;

   b. a description of its primary purposes;

   c. a description of the type or types of property the organization needs; and

   d. the name, address, and telephone number of a person designated by the organization to receive donated property as its agent.

B. The Board or its representative must maintain a list of:

1. all eligible 501(c)(3) nonprofit organizations that submit a written notice described above; and

2. a list of all real or personal property that qualifies for the program.

The list of qualifying property must be continually posted at the same locations at which the resolution creating the program must be posted.

1. An item of property on the list must be donated to the 501(c)(3) organization that first declares to the Board or its representative its desire to obtain the item unless the Board previously established in a separate and distinct resolution, a list of eligible 501(c)(3) organizations that are to be given priority for an item's donation.

2. The resolution giving priority to certain nonprofit organizations must specify the reasons for giving the organizations this priority. Such priority maybe given based on a direct relationship between the purposes of the organization and specific purposes of the programs provided or administered by the Board.

C. Members of the Board must consult with the Ohio Ethics Commission and comply with R.C. Chapters 102 and 2921 when donating property to a 501(c)(3) organization of which a Board member, his/her family member(s) or a business associate(s) of a Board member is a trustee, officer, Board member, or employee.

R.C. 3313.17, 3313.40, 3313.41

NEW POLICY
DISPOSITION OF SURPLUS PROPERTY

The Board of Education requires the Superintendent to review the property of the District periodically and to dispose of that material and equipment which is no longer usable in accordance with the terms of this policy (see Policy 7300).

A. Instructional Material

The District shall review instructional materials (i.e. textbooks, library books, manuals, support materials, etc.) periodically to determine the relevance of such materials to the present world and current instructional programs. The following criteria will be used to review instructional materials for redistribution and possible disposal:

1. **concepts or content that do not support the current goals of the curriculum;**
2. **information that may not be current; or**
3. **worn beyond salvage.**

B. Equipment

The District shall inspect the equipment used in the educational program periodically, to determine the condition and usability of such equipment in the current educational program. Should the equipment be deemed no longer serviceable or usable, the following criteria will be used to determine possible disposal:

1. **repair parts for the equipment no longer readily available;**
2. **repair records indicate equipment has no usable life remaining;**
3. **obsolete and / or no longer contributing to the educational program;**
4. **some potential for sale at a school auction; or**

5. **creates a safety or environmental hazard.**

C. **Disposition**

The Superintendent is authorized to dispose of obsolete instructional and other property by selling it to the highest bidder, by donation or trade to appropriate parties, or by proper waste removal. Disposal of surplus property purchased with Federal funds shall be disposed of in accordance with Federal guidelines.

R.C. 3313.40, 3313.41

Adopted

HYGIENIC MANAGEMENT

The Board of Education recognizes that the health and physical well-being of the students of this District depends in large measure upon the cleanliness and sanitary management of the schools.

The Board directs that a program of hygienic management be instituted in the schools.

The Superintendent shall cooperate with the Board of Health in the conduct of the inspection of each school building and grounds for conditions dangerous to public health and safety not less than semiannually.~~once each year.~~ The Superintendent shall provide access to school premises for the inspection(s) which shall be conducted during regular school hours. The Superintendent shall provide records or information the Board of Health considers necessary.

The Board shall review its policies and administrative guidelines periodically to provide for the safety of students, employees, and other persons using school facilities from any known health or safety hazards in a school building or on school grounds. The Board shall comply with Federal laws and regulations regarding health and safety applicable to school buildings.

~~The Superintendent shall develop a plan for abatement of conditions that are determined to be hazardous to occupants as identified in the inspection report. The abatement plan shall be in written form and shall be submitted in the manner established by the Director of Health. The abatement plan shall include a schedule for completion of the abatement as prescribed.~~

The Superintendent shall prepare, in consultation with District Maintenance, procedures for the handling and disposal of body wastes and fluids. Such procedures shall include the protection of staff members who clean or handle blood or blood-soaked items, vomitus, saliva, urine, or feces; the disinfection of surfaces and items in contact with such matter; the disposal of such matter in sealed containers; and the frequent and thorough cleansing of hands and any other body parts that contact such matter.

The Superintendent shall develop and supervise a program for the cleanliness and sanitary management of the school buildings, in school grounds, and school equipment pursuant to statute and the rules of the Lake County Health Department. The cleanliness of each school building shall be the responsibility of the Custodial Staff.

R.C. 3701.933, 3703.03, 3707.26, 3313.473, 3313.86, 3314.15, 3703.03, 3707.26
A.C. 3301-35-03 (C) (D), 3701-54
Revised 8/20/07
Revised

USE OF TOBACCO ON SCHOOL PREMISES

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

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

In order to protect students, and staff, ~~and visitors~~ who choose not to use tobacco from an environment noxious to them, and because the Board does not condone smoking and/or the use of tobacco, the Board prohibits the use of tobacco or tobacco substitute products ~~at all times~~ within any enclosed facility owned or leased or contracted for by the Board, and in the areas directly or indirectly under the control of the Board immediately adjacent to locations of ingress or egress to such facilities. This prohibition extends to any board-owned and/or operated vehicles used to transport students and to all other Board-owned and/or operated vehicles. Such prohibition also applies to: school grounds, any school-related event and in designated areas as defined in statute and by Ohio's Smoke-Free Workplace Program. ~~Exceptions are allowed as identified/approved by the Superintendent.~~

~~Such prohibition also applies to any school-related event and in designated areas as defined in statute and by Ohio's Smoke-Free Workplace Program.~~

The Superintendent shall require the posting of signs as required by R.C. 3794.06 and as specified by the Ohio Department of Health.

R.C. 2923.12, 3313.20, 3313.47, 3313.751, 3794 et seq.
20 U.S.C. 6081 et seq., 20 U.S.C. 7182
U.S.D.O.E. Memorandum, 1995
A.C. 3701-52

Revised 2/05
Revised 2/25/08

CRIMINAL HISTORY RECORD CHECK FOR CONTRACTED SCHOOL SERVICES

In accordance with State law, the Board of Education requires a criminal background check including information from the Bureau of Criminal Identification and Investigation (BCII) and the Federal Bureau of Investigation (FBI) of each person employed by a private company under the contract with the Board to provide essential school services and who will work within the District in a position which does not require a license issued by the State Board of Education, is not for the operation of a vehicle for student transportation, but does involve routine interaction with a child or regular responsibility for the care, custody or control of a child.

"Essential school services" is defined to mean services provided by a private company that the Board or Superintendent has determined are necessary for the operation of the District and that would need to be provided by employees of the District if the services were not provided by the private company. No such individual, employed by a private company to provide essential school services under a contract with the Board, shall be permitted to work within the District unless one of the following applies to the individual:

A. The private company provides proof of either of the following to the Superintendent:

   1. that the individual has been the subject of a criminal records check in accordance with R.C. 3319.39 within the last five (5) years immediately prior to the date on which the person will begin working in the District; and

   2. that the criminal records check indicates that the individual has not been convicted of or pleaded guilty to any offense described in R.C. 3319.39(B)(1); or

B. During any period of time in which the individual will have routine interaction with a child or regular responsibility for the care, custody, or control of a child, the Superintendent has arranged for a District employee to be present in the same room with a child or if outdoors, within a thirty (30) yard radius of the child or to have visual contact with the child.

R.C. 3319.392

Adopted

SCHOOL CALENDAR

The Board of Education recognizes that the preparation of a calendar for the instructional program of the schools is necessary for orderly educational planning and for the efficient operation of the District.

The Board shall determine annually the days and the hours when the school shall be in session for instructional purposes. The Board shall comply with State regulations regarding minimum number of instructional days per year to qualify for School Aid. Furthermore, the Board requires that an observance be scheduled each year on or about Veterans Day to convey the meaning and significance of that day to all students and staff.

Prior to each school year, the Board shall approve the contingency plan the Superintendent prepares for the makeup of ~~lost school days beyond the five (5) days that can be waived~~ at least five (5) full school days. The plan shall be in accordance with the terms of applicable ~~collectively bargained agreements and~~ Ohio law.

A school day may be waived if the closing is due to disease, epidemic, hazardous weather conditions, damage to a school building, utility failure, or inoperability of school buses or other equipment needed for school operations and the number of allowable calamity days has not been exceeded. Any school days lost in excess of the allowable number of calamity days shall be made up in accordance with the approved contingency plan and as provided in Ohio law.

A regularly-scheduled school day that is reduced in length by no more than two (2) hours due to hazardous weather conditions may be counted as a full school day for the purpose of meeting the minimum number of school days.

If the Board closes school or evacuates any school building due to disease, epidemic, hazardous weather conditions, damage to a school building, utility failure, or inoperability of school buses or other equipment needed for school operations, and the total number of full school days specified in the approved contingency plan is insufficient to enable the District to meet the required minimum number of school days, the District may make up such school day(s) in one-half hour (1/2) increments added to other school days. If the Board is able to make up the shortage of hours or days by increasing the length of one or more school days, then it will not be required to actually make up any of the days specified in the approved contingency plan. In no case, however, will the Board fail to make up the total number of days/hours specified in the contingency plan.

A regularly-scheduled school day that is reduced in length due to a bomb threat, or any other report of an alleged or impending explosion may be made up in one-half hour (1/2) increments added to other school days.

If a regularly scheduled day is reduced in length due to a bomb threat or report of an alleged or impending explosion, and school is also closed or evacuated on a different day due to disease epidemic, hazardous conditions, damage to a school building, utility failure, or inoperability of school buses or other equipment needed for school operations, then the provisions set forth in State law regarding the closure of school regarding a bomb threat shall apply as to the bomb threat. Conversely, the applicable provisions set forth in State law shall apply to the closure of schools due to epidemic, hazardous weather conditions, damage to a school building, utility failure, or inoperability of school buses or other equipment needed for school operations.

Kindergarten students must be in school the equivalent of at least one and one-half (1 1/2) hours per day in order to meet the State's minimum standards.

A regularly-scheduled school day that is reduced in length by no more than two (2) hours due to hazardous weather conditions may be counted as full school day for the purpose of meeting the minimum number of school days.

A regularly-scheduled school day that is reduced in length due to a bomb threat, may be made up in one-half hour increments to other school days.

~~The school calendar and the number of days of student instruction shall be consistent with the provisions of the collective bargaining agreements between the District and its employees.~~

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

Revised 4/27/09
Revised