



## POLICY REVIEW COMMITTEE

MIKE McDONOUGH, ASSISTANT SUPERINTENDENT

FRIDAY, NOVEMBER 18, 2016, 9:30 AM, CENTRAL OFFICE

HILLIARD CITY SCHOOL DISTRICT  
OPERATIONS DEPARTMENT

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### COMMITTEE MEMBERS

Heather Keck, President, Board of Education  
Lisa Whiting, Member, Board of Education  
Brian Wilson, Treasurer/CFO  
Mike McDonough, Assistant Superintendent  
Leslie McNaughton, Assistant Superintendent  
Dawn Sayre, Director of Middle Level Curriculum  
Stacie Raterman, Communications Director

Aaron Cookson, Principal Hilliard Davidson HS  
Matthew Trombitas, Principal Hilliard Heritage MS  
Cori Kindl, Principal Hilliard Tharp Sixth Grade School  
Stephanie Borlaza, Principal Britton Elementary  
Tara Grove, Principal Ridgewood Elementary  
Shelli Miller, Student Support Services Coordinator

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# RECOMMENDATION

THIRD READING & ADOPTION  
FEBRUARY 6, 2017

The Policy Review Committee meets quarterly each school year. All proposed new policies, revisions of current policies or repeal of a current policy are reviewed by the Policy Review Committee before being presented to the Superintendent for submission to the Board of Education. Two readings at two separate meetings shall normally be required before a new or revised policy may be adopted. Action to adopt will take place at a subsequent third meeting. However, the Board does have the option of voting for adoption at the second meeting.

The Policy Review Committee recommends the policies listed below be revised, as noted on the following pages:

1. AC – Nondiscrimination
2. ACA – Nondiscrimination on the Basis of Sex (**Recoded ACA/ACAA**)
3. ACAA – Sexual Harassment (**Recoded ACA/ACAA**)
4. ACA-R – Nondiscrimination on the Basis of Sex (**Recoded ACA-R/ACAA-R**)
5. ACAA-R – Sexual Harassment (**Recoded ACA-R/ACAA-R**)
6. GBK – Smoking/Use of Tobacco/Nicotine on District Property by Staff Members
7. IIBH – District Websites JFCF-R – Hazing and Bullying
8. JEC – School Admission
9. JECAA – Admission of Homeless Students
10. JECAA-R – Admission of Homeless Students (**New**)
11. JECBC – Admission of Students from State-Chartered, Nonchartered or Home Schooling
12. JED – Student Absences and Excuses
13. JED-E – Family Trip Application
14. JFCF – Hazing and Bullying
15. JFCF-R – Hazing and Bullying
16. JFG – Interrogations and Searches
17. JFG-R – Interrogations and Searches
18. JHCB – Immunizations
19. JO – Student Records
20. JO-R – Student Records
21. KGC – Smoking on District Property

#### Revision Notes:

- Language with a line drawn through it is language to be removed.
  - Language in bold-type is language to be added.
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## NONDISCRIMINATION

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

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

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

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

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

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

**The Board designates the Assistant Superintendent, 2140 Atlas Street, Columbus, Ohio 43228, 614-921-7000, <http://www.hilliardschools.org/contact-us/>, to serve as the District's compliance officer/civil rights coordinator.**

**The name, title, and contact information of this individual is annually published in District handbooks and on the District website.**

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

### **Reports and Complaints of Unlawful Discrimination/Harassment**

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

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

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

[Adoption date: August 14, 2001]  
[Re-adoption date: January 24, 2005]  
[Re-adoption date: April 12, 2005]  
[Re-adoption date: July 9, 2008]  
[Re-adoption date: April 13, 2011]  
[Re-adoption date: April 22, 2013]  
[Re-adoption date: May 11, 2015]

LEGAL REFS.: Civil Rights Act, Title VI; 42 USC 2000d et seq.  
Civil Rights Act, (Amended 1972), Title VII; 42 USC 2000e et seq.  
Education Amendments of 1972, Title IX; 20 USC 1681  
Executive Order 11246, as amended by Executive Order 11375  
Equal Pay Act; 29 USC 206  
Genetic Information Nondiscrimination Act of 2008; 42 USC 2000ff et seq.  
Rehabilitation Act; 29 USC 794  
Individuals with Disabilities Education Act; 20 USC 1400 et seq.  
Age Discrimination in Employment Act; 29 USC 623  
Immigration Reform and Control Act; 8 USC 1324a et seq.  
Americans with Disabilities Act; 42 USC 12112 et seq.  
Ohio Const. Art. I, Section 2  
ORC **3323.01 Chapter 3323**  
Chapter 4112  
**5903.01(G)**  
OAC 3301-35-02; **3301-35-03**

CROSS REFS.: ACA, Nondiscrimination on the Basis of Sex  
ACAA, Sexual Harassment  
ACB, Nondiscrimination on the Basis of Disability  
EDE, Computer/Online Services (Acceptable Use and Internet Safety)  
GBA, Equal Opportunity Employment  
GBO, Verification of Employment Eligibility  
IGAB, Human Relations Education  
IGBA, Programs for Students with Disabilities  
JB, Equal Educational Opportunities

JFC, Student Conduct (Zero Tolerance)  
JFCEA, Gangs  
JFCF, Hazing and Bullying  
Staff Handbooks  
Student Handbooks

CONTRACT REFS.: Teachers' Negotiated Agreement  
Classified Staff Negotiated Agreement

DRAFT

**RECODED AS ACA/ACAA**  
**NONDISCRIMINATION ON THE BASIS OF SEX**

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

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

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

The Superintendent designates the Title IX coordinator.

[Adoption date: August 14, 2001]

[Re-adoption date: May 11, 2015]

LEGAL REFS.: Civil Rights Act, Title VI; 42 USC 2000d et seq.  
Civil Rights Act, Title VII; 42 USC 2000e et seq.  
Education Amendments of 1972, Title IX; 20 USC 1681  
Executive Order 11246, as amended by Executive Order 11375  
Equal Pay Act; 29 USC 206  
Ohio Const. Art. I, § 2  
ORC Chapter 4112  
OAC 3301-35-03(A)

CROSS REFS.: AC, Nondiscrimination  
ACB, Nondiscrimination on the Basis of Disability  
GBA, Equal Opportunity Employment  
JB, Equal Educational Opportunities

## **NONDISCRIMINATION ON THE BASIS OF SEX/SEXUAL HARASSMENT**

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

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

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

All persons associated with the District, including, but not limited to, the Board, the administration, the staff, and the students, and third parties are expected to conduct themselves at all times so as to provide an atmosphere free from sex discrimination and sexual harassment. Sex discrimination and sexual harassment, whether verbal, nonverbal, or digital occurring inside or outside of District buildings, on other District-owned property or at school-sponsored social functions/activities, is illegal and unacceptable and will not be tolerated. The District may have an obligation to investigate and/or respond to sexual harassment occurring off school grounds, when the harassment creates a hostile environment within the school setting. Any person who engages in sexual harassment while acting as a member of the school community is in violation of this policy.

The District takes measures to eliminate harassment, prevent its recurrence and address its effects, and will implement interim measures as deemed necessary.

Definition of Sexual Harassment: Unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal, or physical conduct of a sexual nature may constitute sexual harassment when:

1. submission to such conduct is made, either explicitly or implicitly, a term or condition of a person’s employment or educational development status in a class, educational program or activity;
2. submission to, or rejection of, such conduct by an individual is used as the basis for employment or education decisions affecting such individual or
3. such conduct has the purpose or effect of unreasonably interfering with an individual’s work or educational performance or by creating an intimidating, hostile or offensive environment, or by interfering with one’s ability to participate in or benefit from a class or educational program or activity.

**Sexual violence is a form of sexual harassment and refers to physical sexual acts perpetrated against a person's will, or where a person is incapable of giving consent. Examples of sexual violence include but are not limited to, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.**

**Sexual harassment includes gender-based harassment, which refers to unwelcome conduct based on an individual's actual or perceived sex, (including harassment based on gender identity and nonconformity with sex stereotypes), and not necessarily involving conduct of a sexual nature.**

Examples of sexual harassment-type conduct may include, but are not limited to, unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; **grooming**; repeated sexual jokes, flirtations, advances or propositions; verbal abuse of a sexual nature; graphic verbal commentary relating to an individual's body, sexual prowess or sexual deficiencies; coerced sexual activities; any unwanted physical contact; sexually suggestive or obscene comments or gestures; or displays in the workplace of sexually suggestive, or obscene objects pictures or any form of digital media. Whether any act or comment constitutes sexual harassment-type conduct is often dependent on the individual recipient.

**All of these types of harassment are considered forms of sex discrimination prohibited by Title IX.**

**The Board has developed informal and formal discrimination and harassment complaint procedures. The procedures provide for impartial investigation free from conflicts of interest. The Board also has identified disciplinary measures that may be imposed upon the offender. Nothing in this policy or procedure prevents an individual from pursuing action through State and/or Federal law, contacting law enforcement, or from filing a complaint with the United States Department of Education, Office of Civil Rights, the Ohio Civil Rights Commission or the Equal Employment Opportunity Commission.**

The Grievance Officer: The Board directs the Superintendent to appoint sexual harassment grievance officers at the District level who are **The Board designates the Assistant Superintendent, 2140 Atlas Street, Columbus, Ohio 43228, 614-921-7000, <http://www.hilliardschools.org/contact-us/>, to serve as the District's Title IX Coordinator.**

**The Title IX Coordinator serves as the grievance officer and coordinates the District's efforts to comply with and carry out responsibilities under Title IX, including any complaint under Title IX. He/She is vested with the authority and responsibility for investigating all sexual harassment complaints in accordance with the procedure set out forth in the accompanying regulation.**

### **Confidentiality/Retaliation**

Sexual harassment matters, including the identity of both the charging party and the accused, are kept confidential to the extent possible, **consistent with the Board's legal obligations to investigate**. Although discipline may be imposed against the accused upon a finding of guilt, ~~retaliation is prohibited~~ **the District prohibits retaliation for an individual's participation in, and/or initiation of a sex discrimination/sexual harassment complaint investigation, including instances where the complaint is not substantiated** **The District takes reasonable steps to prevent retaliation and takes strong responsive action if retaliation occurs..**

~~The Board has developed complaint procedures which are made available to every member of the school community. The Board has also identified disciplinary penalties which could be imposed on the offenders.~~

[Adoption date: August 14, 2001]

[Re-adoption date: August 14, 2006]

[Re-adoption date: May 11, 2015]

LEGAL REFS.: Civil Rights Act, Title VI; 42 USC 2000d et seq.  
Civil Rights Act, Title VII; 42 USC 2000e et seq.  
Education Amendments of 1972, Title IX; **42 20 USC 2000e 1681** et seq.  
Executive Order 11246, as amended by Executive Order 11375  
Equal Pay Act; 29 USC 206  
~~Immigration Reform and Control Act; 8 USC 1324a et seq.~~  
Ohio Const. Art. I, Section 2  
**ORC Chapter 4112**  
**OAC 3301-35-03(A)**

CROSS REFS.: AC, Nondiscrimination  
~~ACA, Nondiscrimination on the Basis of Sex~~  
**ACB, Nondiscrimination on the Basis of Disability**  
GBA, Equal Opportunity Employment  
**GBD, Board-Staff Communications (Also BG)**  
IGDJ, Interscholastic Athletics  
JB, Equal Educational Opportunities  
JFC, Student Conduct (Zero Tolerance)  
JFCF, Hazing  
JHG, Reporting Child Abuse  
Staff Handbooks  
Student Handbooks

CONTRACT REFS.: Teachers' Negotiated Agreement  
Classified Staff Negotiated Agreement



**RECODED AS ACA-R/ACAA-R**  
**NONDISCRIMINATION ON THE BASIS OF SEX**  
**(Title IX Student Grievance Procedure)**

Definition

A “grievance” shall mean a complaint which has been filed by a student or by a student’s parent, on his/her behalf, dealing specifically with Title IX. This grievance procedure is not applicable to situations for which other appeal and adjudication procedures are provided to situations for which the Board is without authority to act. Normal channels of communication, from student to teacher to administrator to Board, shall be used whenever feasible in seeking clarification of questions of concern to the students before the grievance procedure is utilized.

Purpose

The primary purpose of this procedure shall be to secure, at the earliest level possible, equitable solutions to a claim of a complainant, if the claim is justifiable. The proceedings shall be kept confidential at each level of this procedure.

Time

The number of days indicated at each level shall be regarded as a maximum and every effort shall be made to expedite the process. However, the time limits specified may be extended by mutual agreement of the complainant and the administration. In the event a complaint is filed on or after May 1, the time limits stated hereafter shall include all calendar days so that the matter may be resolved before the close of the school term or as soon as possible thereafter.

Level One

A student with a complaint shall first (level one A) present it orally and informally to his/her teacher. If the complaint is not resolved within three school days, he/she may (level one B) present a formal claim in writing (including all supporting statements and evidence) to his/her school grievance committee. Within five school days after receiving the written complaint, the grievance committee shall state its decision in writing, with all supporting reasons and evidence.

Level Two

Within five school days after receiving the decision at level one, the complainant may appeal the decision to the principal of the school. This appeal shall be in writing and shall be accompanied by the original complaint and copies of all previous supporting statements, evidence and decisions. The principal shall evaluate the evidence and render his/her decision within 10 school days after receiving the appeal.

### Level Three

If the complainant deems it desirable to carry the complaint beyond the decision reached in level two, he/she may within 10 school days file his/her complaint with the Superintendent or designee. The Superintendent or designee shall evaluate the evidence and render his/her decision within 10 school days after receiving the appeal.

### Level Four

If the complainant deems it desirable to carry the complaint beyond the decision reached in level three, he/she may within 10 school days file his/her complaint with the Board.

### Withdrawal

A complaint may be withdrawn by the complainant at any level without prejudice or record.

### Hearings and Decisions

At each of the above four levels, the complainant shall be given the opportunity to be present and to be heard. All decisions at each level (with the exception of level one A) shall be in writing and shall include supporting reasons. Copies of all decisions and recommendations shall be furnished within three school days to all parties involved.

### Reprisals

No reprisal of any kind shall be taken by or against any party of legitimate interest or any legitimate participant in the grievance procedure by reason of such participation.

### Preservation of Records

All proceedings external to the decision of the Board shall be destroyed. However, any complainant who wishes the proceedings (relative to his/her own complaint) to be placed in his/her school records may achieve such action by filing a written request therefor.

### Disclaimer

In the adoption and implementation of this grievance procedure, it shall be understood that the Board is not a court of law and that rules of jurisdiction shall not apply.

School Grievance Committee: appointed, as needed, by building principal (three member committee).

(Approval date: August 14, 2001)

(Re-approval date: May 11, 2015)

## **NONDISCRIMINATION ON THE BASIS OF SEX/SEXUAL HARASSMENT GRIEVANCE PROCEDURES**

All sexual harassment complaints are investigated in accordance with the following procedure: The Board has created informal and formal discrimination and harassment grievance procedures, providing for a prompt and impartial investigation free of conflicts of interest. All students and District employees are required to fully cooperate when asked to participate in an investigation.

Members of the school community and third parties are encouraged to promptly report incidents of sex discrimination or sexual harassment. Complaints may be filed with any District employee, or directly with the Title IX Coordinator. District employees are required to report these incidents to the Title IX Coordinator upon becoming aware of an incident, and failure to do so may result in disciplinary action.

Complaints of sex discrimination or sexual harassment must be filed within 180 calendar days of the alleged incident, as delays in filing complaints can make it difficult to investigate. Both the informal and formal grievance procedures are completed within 60 days of the date the incident was reported to the Title IX Coordinator, unless extenuating circumstances exist. Periodic updates are made as appropriate during the investigation.

The Title IX Coordinator determines whether or not, by “a preponderance of the evidence,” the alleged victim’s allegations are true. “A preponderance of the evidence” means that evidence must show the alleged discrimination/sexual harassment was more likely than not to have occurred.

Pending the final outcome of an informal or formal investigation, the District institutes interim measures to protect the alleged victim and informs him/her of available support services. Interim measures may include, but are not limited to: a District-enforced no contact order, schedule changes, academic modifications for the alleged victim, and/or school counseling for the alleged victim. These measures should ensure the alleged victim continues to have equal access to all education programs and activities and the safety of all students is protected.

If any of the named officials are the accused or are the alleged victim, the Board designates an alternative investigator and retains final decision-making authority.

All matters involving sexual harassment complaints remain confidential to the extent possible.

### **Informal Procedure for Addressing Complaints**

An informal grievance procedure can be used when the Title IX Coordinator deems it appropriate and/or when the parties involved (alleged victim and accused) agree that an informal process is appropriate and sufficient. The informal process is not used when the alleged discrimination or harassment may constitute sexual violence or any other criminal act.

The Title IX Coordinator gathers enough information during the informal process to understand and resolve the complaint. The Title IX Coordinator proposes an informal solution based on this fact-gathering process, which may include, but not be limited to: requiring the accused to undergo training on harassment/discrimination, requiring all students and staff to undergo such training, as instituting protective mechanisms for the alleged victim.

Either party has the right to terminate the informal procedure at any time and pursue a remedy under the formal grievance procedure.

### **Formal Procedure for Addressing Complaints**

While the formal grievance procedure may serve as the first step toward the resolution of a charge of sex discrimination or sexual harassment, it also is available when the informal procedure fails to resolve the complaint.

1. Any member of the school community who believes that he/she has been subjected to sexual harassment shall report the incident(s) to the appropriate grievance officer.
2. The grievance officer **Through the formal grievance procedure, the Title IX Coordinator** attempts to resolve the **problem through the following process complaint in the following way-:**
  - A1. The ~~grievance officer~~ **Title IX Coordinator** promptly confers with the charging party/**alleged victim** in order to obtain a clear understanding of that party's statement of the alleged facts. The statement is put in writing by the ~~grievance officer~~ **Title IX Coordinator** and signed by the charging party/**alleged victim** as a testament to the statement's accuracy.
  - B2. The ~~grievance officer~~ **Title IX Coordinator** meets with the charged party in order to obtain his/her response to the complaint. The response is put in writing by the ~~grievance officer~~ **Title IX Coordinator** and signed by the charged party as a testament to the statement's accuracy.

**C3.** The ~~grievance officer~~ **Title IX Coordinator** holds as many meetings with the parties and witnesses (if any) as are necessary to gather facts. The dates of meetings and the facts gathered are all put in writing. **The investigation is adequate, reliable, impartial and prompt, and allows both parties an equal opportunity to present witnesses and other evidence.**

**D4.** **At the conclusion of the investigation, the Title IX Coordinator prepares a written report summarizing: the evidence gathered during the investigation and whether the allegations were substantiated; whether any Board policies or student or employee codes of conduct were violated; any recommendations for corrective action. The investigation report indicates if any measures must be instituted to protect the alleged victim. Such measures may include, but are not limited to extending any interim measures taken during the investigation. The report also informs the alleged victim of available support services, which at a minimum includes offering school counseling services if the alleged victim is a student. On the basis of the grievance officer's investigation of the problem, he/she will:**

~~1) bring both parties together and attempt to resolve the matter informally through conciliation or~~

~~2) formally notify the parties in writing of his/her official action relative to the complaint.~~

### **Notice of Outcome**

**Both the alleged victim and the accused are provided written notice of the outcome of the complaint.**

~~3.~~ If any party disagrees with the decision of the ~~grievance officer~~ **Title IX Coordinator**, he/she may appeal to the Superintendent/~~designee~~. After reviewing the record made by the ~~grievance officer~~ **Title IX Coordinator**, the Superintendent/~~designee~~ may attempt to gather further evidence necessary to decide the case and to determine appropriate action to be taken. The decision of the Superintendent/~~designee~~ is final

### **Disciplinary Action**

**Any disciplinary action is carried out in accordance with Board policies, student and employee codes of conduct, State and Federal law, and, when applicable, the negotiated agreement. When recommending discipline, the Title IX Coordinator considers the totality of the circumstances involved, including the ages and maturity levels of those involved. The Title IX Coordinator and the Superintendent determine if a recommendation for**

**expulsion for an accused student or discharge for an accused employee should be made. If this recommendation is made and a hearing is required, the hearing shall be held in accordance with Board policy, State law and/or the negotiated agreement. Both parties shall have an equal right to attend the hearing, have a representative and parent (if student) present, present evidence, and question witnesses.**

**If any of the named officials are the charged or charging party, the Board designates an alternate investigator and retains final decision-making authority.**

**All matters involving sexual harassment complaints remain confidential to the extent possible.**

(Approval date: August 14, 2001)

(Re-approval date: August 14, 2006)

(Re-approval date: May 11, 2015)

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SMOKING/USE OF TOBACCO/NICOTINE  
ON DISTRICT PROPERTY BY STAFF MEMBERS

The Board is dedicated to providing a healthy, comfortable and productive environment for its staff, students and citizens. Health professionals have determined that smoking/use of tobacco/nicotine poses health hazards not only for the smoker/user, but for the nonsmoker as well.

Recognizing these health issues, the Board prohibits the smoking, use or possession of tobacco in any form including, but not limited to, cigarettes, cigars, clove cigarettes, chewing tobacco, snuff, alternative nicotine products, electronic cigarettes and any other forms of tobacco ~~in all District-owned, leased or contracted buildings, property and vehicles.~~ **at any time, including non-school hours, and in or on District property, including:**

- **in any building, facility, or vehicle owned, leased, rented, or chartered by the school district; and**
- **on school grounds, athletic grounds or parking lots; and**
- **at any school-sponsored or school-related event, whether such event occurs on-campus or off-campus.**

The Board directs the Superintendent to educate all staff members concerning the mandate of this policy, as well as implementing, as appropriate, educational programming concerning smoking and, if needed, resources available to those who wish to discontinue their smoking habit.

A notice to this effect is posted at the entrance to all school buildings and in a visible place in all school vehicles.

**Disciplinary actions taken against staff for violations of this policy need to comply with requirements of Ohio law, related district policies and staff negotiated agreements.**

[Adoption date: August 14, 2001]  
[Re-adoption date: April 9, 2007]  
[Re-adoption date: April 28, 2014]  
[Re-adoption date: September 22, 2014]  
[Re-adoption date: May 11, 2015]

LEGAL REFS.: The Elementary and Secondary Education Act; 20 USC 1221 et seq.  
Goals 2000: Educate America Act; 20 USC 6081 through 6084  
ORC 3313.20  
3794.01; 3794.02; 3794.03(F); 3794.04; 3794.06  
OAC 3301-35-02; 3301-35-05

CROSS REFS.: JFCG, Tobacco Use by Students  
KGC, Smoking on District Property

CONTRACT REFS.: Teachers' Negotiated Agreement  
Classified Staff Negotiated Agreement

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## DISTRICT WEB SITE PUBLISHING

School web sites provide the District with unique and ever-changing ways to interact with the community and improve student learning. School web sites:

1. allow an individual school to provide current and complete information to its community at large;
2. give the community a means to communicate effectively with students and personnel;
3. create expanded means for student expression and/or
4. provide new avenues for teachers to help students meet high standards of performance.

All District schools wishing to maintain a presence on the Internet must develop written web regulations that allow the school to realize the benefits of maintaining a web site while protecting the school and community from its potential misuse.

### Purpose and Use of District Web Sites

The primary purpose of a District's web site is to communicate effectively with its community. The principal or designee shall ensure that the site is maintained in such a way that the community receives reasonably current and accurate information.

The District may elect to have its web site serve additional purposes related to its educational mission. These include, but are not limited to:

1. publishing a student newspaper;
2. posting teacher-created class information or
3. publishing appropriate student class work.

When a school allows student publications on its web site, the purpose of including such publications shall be clearly identified in that section of the site. These publications shall be consistent with the mission, goals, policies, programs and activities of the District. All publications shall meet established District requirements related to student print publications and in accordance with State and Federal law related to student expression.

### Accessibility of Website

The District is committed to ensuring the accessibility of its website for students, parents, and members of the community, including individuals with disabilities, except where doing so would impose an undue burden or create a fundamental alteration.

### Advertising or Sponsorships

Any use of advertising or sponsorships that appear on a school web site must be approved by the Superintendent/designee. Guidelines must be consistent with District policies and guidelines used in other District publications.

The Board directs the Superintendent/designee to develop regulations to implement this policy. Such regulations shall address student and staff privacy and content standards for web site publications.

[Adoption date: August 14, 2001]

[Re-adoption date: May 11, 2015]

LEGAL REFS: Family Educational Rights and Privacy Act; 20 USC § 1232g  
**Children's Internet Protection Act; 47 USC 254(h)(5)(b)(iii); (P.L. 106-554, HR 4577, 2000, 114 Stat 2763)**  
**Individuals with Disabilities Education Act; 20 USC 1400 et seq.**  
**Rehabilitation Act of 1973; 29 USC 794**  
**Americans with Disabilities Act Amendments Act of 2008; 42 USC 12101 et seq.**  
ORC ~~149.41;~~ 149.43  
3313.20  
OAC ~~3301-35-02(B)(4)(b); 3301-35-03(E)~~ **3301-35-04; 3301-35-06**

CROSS REFS.: **AC, Nondiscrimination**  
**ACB, Nondiscrimination on the Basis of Disability**  
EDE, Computer/On-Line Services  
IGDB, Student Publications  
JO, Student Records  
KBA, Public's Right to Know  
**KJ, Advertising in the Schools**

## SCHOOL ADMISSION

Any student who is at least five years of age on or before September 30 of the year of entrance, but who has not attained 22 years of age, and whose legal residence is within the boundaries of the District, and who complied with District entrance regulations, may be admitted.

For admission, a parent, guardian or grandparent must present:

1. an attested (sealed and signed) verification of birth (record showing date and place of birth) birth certificate, passport, baptism certificate or other religious records, hospital certificate birth affidavit or comparable certificate from another state, territory or nation;
2. immunization record;
3. proof of residence;
4. custody paper (if applicable);
5. documentation showing successful completion of kindergarten for registration to grade 1
6. power of attorney or caretaker authorization affidavit (if applicable) and/or
7. a protected child, as defined by State law, may not be denied admission to the school solely because the child does not present a birth certificate or comparable document upon registration. A protected child or parent, guardian or custodian of the child must present this documentation within 90 days after the child's initial entry into the school.  
**The District immediately enrolls homeless students and foster students and assists in obtaining the necessary enrollment documents.**

The principal/designee must request records from the previous public or nonpublic school of the student's last attendance. These records must be received from the previous public or nonpublic school of the students last attendance. These records must be received within 14 days after proof of residency has been established, and then 14 days to receive rest of documents.

Parents/guardians of students new to the District may be given a period of 14 days to provide all necessary documents for school admission.

[Adoption date: August 14, 2001]  
[Re-adoption date: January 24, 2005]  
[Re-adoption date: April 9, 2007]  
[Re-adoption date: April 13, 2011]  
[Re-adoption date: May 11, 2015]

LEGAL REFS.: ORC **2151.33**  
2152.18(D)(4)  
3109.52; 3109.53; **through 3109.61**; 3109.65; **3109.66 through**  
**3109.76; 3109.78; 3109.79; 3109.80**  
3313.48; 3313.64; 3313.67; 3313.671; 3313.672  
3317.08  
3321.01  
OAC 3301-35-04(F)

CROSS REFS.: AFI, Evaluation of Educational Resources  
IGBA, Programs for Students with Disabilities  
**JECAA, Admission of Homeless Students**  
JECB, Admission of Nonresident Students  
JEE, Student Attendance Accounting (Missing and Absent Children)  
**JHCA, Physical Examinations of Students**  
JHCB, Inoculations of Students  
JO, Student Records

## ADMISSION OF HOMELESS STUDENTS

The Board believes that all school-aged students, including homeless students **and unaccompanied youth**, have a basic right to equal educational opportunities. Accordingly, the District must enroll each homeless student **or unaccompanied youth** in the District in the school determined to be in the student's best interest. A homeless student is defined as an individual who lacks fixed, regular and adequate nighttime residence including:

1. **a "doubling up" or sharing the housing with another family other people** due to loss of housing, economic hardship or a similar reason;
2. living in a motel, hotel, trailer park or campground due to the lack of alternative adequate accommodations;
3. living in emergency or transitional shelters;
4. abandonment in hospitals;
- ~~5. awaiting foster care placement;~~
- ~~65.~~ a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
- ~~76.~~ living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings; **and**
- ~~87.~~ migratory students: **living in circumstances described above and**
- 8. an unaccompanied youth who is homeless and not in physical custody of a parent or guardian.**

In compliance with the McKinney-Vento Homeless Assistance Act, the District must make school placement determinations on the basis of the best interest of the student. **To the extent feasible, The District presumes that keeping the homeless students child or youth are kept in the school of origin is in the child your youth's best interest,** unless doing so is contrary to the ~~wishes request~~ of the student's parent or guardian, **or the unaccompanied youth. When considering the school of best interest, the District considers student centered factors related to the homeless child or youth's best interest including factors related to the impact of mobility on achievements, education, health and safety of the child or youth and gives priority to the homeless child or youth's parent or guardian or the unaccompanied youth.**

To the extent feasible, the District complies with a request made by a parent(s) regarding school placement regardless of whether the student lives with the homeless parent(s) or is temporarily residing elsewhere.

The Board ensures that:

1. it reviews and revises Board policies and regulations to eliminate barriers to the **identification**, enrollment, retention and success in school of homeless students **including barriers to enrollment and retention due to outstanding fees or fines, or absences;**
2. the District does not segregate homeless **students children or youth** into separate schools or separate programs within a school based on the student's status as homeless;
3. it appoints a District liaison, **able to carry out their duties**, who ensures that homeless students **are identified and** enroll and succeed in school and **ensures the liaison is trained in compliance with law;**
4. **it provides training opportunities for staff on identifying and serving homeless students;**
5. **homeless children or youth are immediately enrolled even if the child or youth is unable to produce records normally required for enrollment such as previous academic records, records of immunization and other required health records, proof of residency of other documentation, or if the student has missed application or enrollment deadlines during any period of homelessness;**
46. homeless **students children or youth** are provided with education, nutrition and transportation services that are at least comparable to the services provided to nonhomeless students; **and**
7. **homeless students and unaccompanied youth meeting the relevant eligibility criteria do not face barriers to accessing academic and extracurricular activities including: magnet school; summer school; career and technical education; advanced placement; online learning and charter school programs.**

The McKinney-Vento Act requires that school districts follow a dispute resolution process when parents, guardians, or unaccompanied youth disagree on the enrollment or educational placement (school selection) of homeless children and youth:

1. The child or youth “shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute” [42 U.S.C. § 11432(g)(3)(E)(i)]. As students

must be enrolled in school pending a dispute, the local liaison must ensure that unaccompanied youth are immediately enrolled in the school [42 U.S.C. § 11432 (g)(3)(E)(iv)]. The U.S. Department of Education (ED) strongly emphasizes the importance of this requirement in the 2004 Non-Regulatory Guidance: When enrollment disputes arise, it is critical that students not be kept out of school. Interruption of education can severely disrupt the student's academic progress. To avoid such disruptions, LEAs need an established process for resolving school placement disputes. Permitting students to enroll immediately in the school of choice pending resolution of disputes helps provide needed stability [G-5]. While disputes are pending, students have the right to participate fully in school and receive all services which they would normally receive. This includes transportation services, as the 2004 Non-Regulatory Guidance clearly indicates: "The McKinney-Vento Act's transportation requirements apply while disputes are being resolved" [H-5].

2. The parent, guardian, or unaccompanied youth must be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or youth to appeal the decision [42 U.S.C. § 11432 (g)(3)(E)(ii)]. In addition, any time a student is sent "to a school other than the school of origin or the school requested," the LEA must provide a written explanation of its decision and an explanation of the right to appeal, whether or not the placement is disputed [42 U.S.C. § 11432 (g)(3)(B)(ii)]. In the case of an unaccompanied homeless youth, the notice explaining the decision and the right to appeal are provided directly to the youth [42 U.S.C. § 11432 (g)(3)(B)(iii)].

3. The child, youth, parent, or guardian must be referred to the local homeless liaison, who will carry out the dispute resolution process as quickly as possible [42 U.S.C. § 11432 (g)(3)(E)(iii)]. The local homeless liaison must be familiar with the state's McKinney-Vento dispute resolution policy and follow all procedures outlined therein.

The district's liaison **carries out all duties required by law**, ensures compliance with the subgrant and coordinates services for homeless students with local community service **providers agencies and programs**, including those funded under the Runaway and Homeless Youth Act.

A student who ceases to be homeless may continue to receive services until the end of the period of time for which the service was originally intended to be provided, which may be the end of the school year or the end of a semester.

**Information about a homeless child or youth's living situation is part of the student education record and is not considered directory information.**

The District complies with the Ohio Department of Education's Plan and State and Federal laws for the education of homeless students.

[Adoption date: August 14, 2001]  
[Re-adoption date: August 12, 2003]  
[Re-adoption date: August 13, 2007]  
[Re-adoption date: May 11, 2015]  
[Re-adoption date: October 26, 2015]

LEGAL REFS.: The Elementary and Secondary Education Act; 20 USC 1221 et seq.  
42 USC Sections 11431 et seq.  
ORC 9.60 through 9.62  
3313.64(F)(13)  
OAC 3301-35-02; 3301-35-04; 3301-35-06

CROSS REFS.: AC, Nondiscrimination  
JB, Equal Educational Opportunities  
**JEC, School Admission**  
**JHCB, Immunizations**  
**JO, Student Records**



## **NEW REGULATION**

File: JECAA-R

### ADMISSION OF HOMELESS STUDENTS (Enrollment Dispute Resolution Process)

The District is committed to facilitating the timely resolution of disputes regarding the educational placement of homeless children and youth. The process may address issues concerning: eligibility, enrollment, transfer of records, transportation, comparable services, guardianship, medical records, residency, school of origin/school of choice issues along with any related homeless education concerns.

Should a dispute arise over school selection or enrollment in a school, the parents, guardians and unaccompanied youth may initiate the resolution process directly at the school they choose or with the District homeless liaison. Written and/or oral communication may be provided to support their views. Students are provided with all services for which they are eligible while the dispute is being resolved.

Disputes should be resolved at the District level, rather than the school level. The District makes the resolution process as informal and accessible as possible, allowing for impartial and complete review.

Written documentation from the District is complete, as brief as possible, simply stated and provided in a language the parent, guardian or unaccompanied youth can understand.

The following steps are taken when a dispute arises over school selection or enrollment in a school:

1. The District provides the parent/guardian or unaccompanied youth with a written explanation of the school's decision regarding school selection or enrollment.
2. The District informs the parent/guardian or unaccompanied youth in writing of their right to appeal the decision.
3. Should the dispute continue, the District refers the parent/guardian or unaccompanied youth to the ~~local~~ District homeless liaison who shall review the complaint and issue an opinion in writing to the parent/guardian or the unaccompanied youth.
4. Should the dispute continue, the District homeless liaison assists the involved parties in presenting the situation to the Ohio Department of Education homeless education coordinator.
5. The state homeless education coordinator recommends a decision for distribution to the parent/guardian or unaccompanied youth, local Superintendent and District liaison.
6. Should the dispute continue, the final appeal is made to the State Superintendent of Public Instruction for review and disposition.

(Approval date:)

ADMISSION OF STUDENTS  
FROM STATE-CHARTERED, NONCHARTERED OR HOME SCHOOLING

1. The District shall enroll or re-enroll a child from a state-chartered school, nonchartered school or home schooling without discrimination or prejudice. The Superintendent/designee shall determine the appropriate placement of such students in accordance with Section 3319.01 of the Revised Code.
2. Students enrolling full-time must be residents of the District and follow regular school enrollment requirements and will be assigned on a space available basis.
3. In making a placement decision for students enrolling from nonchartered or home schooling, the Superintendent/designee may consider:
  - A. the student's most recent annual academic assessment report;
  - B. whether to require the student to take any or all of the nationally normed, standardized achievement tests that are regularly scheduled for District students of similar age;
  - C. whether to require a student in grades 6-8 to take final exams for grade level placement;
  - D. whether to require a student in grades 9-12 to take final exams for credit only and
  - E. other evaluation information that may include interviews with the student and the parent(s)/guardian(s) and review of the student's work portfolio.
4. Although credits from nonchartered schools and home schooling may be granted and placed on a student's transcript, no grades will be entered on the transcript or considered for class ranking.
5. Only grades awarded for courses taken at the District or at a school approved or chartered by a State education agency shall be considered in class ranking and for entering on the transcript. The letter grades listed on the transcript will be entered into the student's District record. The District reserves the right to assess such students prior to issuing credit.

6. All students wishing to graduate from the Hilliard City School District must pass ~~the Ohio Graduation Test~~ **all State required examinations** and meet all other state and District graduation requirements. A student must also be enrolled full-time for the last three semesters of high school in order to graduate with a Hilliard City School district diploma.
7. Eligibility for National Honor Society will be established only after two consecutive semesters prior to the semester in which induction is made.
8. Returning students will be encouraged to re-enter at the beginning of a school year.
9. Athletic eligibility will be determined by OHSAA regulation and the Hilliard City Schools athletic policies.

[Adoption date: August 14, 2001]

[Re-adoption date: December 11, 2001]

[Re-adoption date: October 11, 2005]

[Re-adoption date: November 28, 2011]

[Re-adoption date: May 11, 2015]

LEGAL REF.: OAC 3301-34-06

CROSS REFS.: IGBG, Home-Bound Instruction  
IGCF, Home **Instruction Schooling**  
IGD, Cocurricular and Extracurricular Activities

## STUDENT ABSENCES AND EXCUSES

Achievement and attendance are highly correlated. Each student should attempt to attend school daily. Rules and regulations regarding excessive absenteeism and tardiness shall be enforced.

Parents and/or guardians are legally responsible for the student's attendance in school; therefore, the parent or guardian of any student is required to accompany the student to the school's attendance office each time the student has accumulated five days of unexcused absence in a semester. Failure of the parent and/or guardian to appear at school as requested shall result in the student being denied reentry into the school program. If the school has no attendance office, the principal's office shall serve as such.

Students are required to be in their designated place at all times during the school day. Any student found otherwise shall be considered truant and shall be subject to the same policies and procedures as out-of-school truancy.

### Family Trips

It is recognized that planned family trips often provide enrichment to regular classroom instruction. It is further recognized that employers cannot always grant vacation periods which fall within the school vacation and holiday period, and for families to be together, some trips must necessarily be scheduled during the academic year. Application for approval (JED-E) must be made by a parent or guardian at least two weeks in advance. If the student is not a member of the immediate family, his/her parent or guardian must complete the application. Each student is limited to one approved trip of 10 school days or less per school year without loss of academic standing, provided proper assignment make-up work is completed, including tests and final examinations. More than one trip with a cumulative of 10 days or less may be approved by the building principal or his/her designee. Trips of more than 10 school days shall not be approved except in extraordinary circumstances as determined by the building principal or his/her designee. **If a student is absent for family travel outside of the ten (10) days of excused absences allowed by the District, he/she will be considered unexcused from school and subject to truancy regulations. The school district may be obligated to report the parent/guardian to the Franklin County Juvenile Court System and file charges of lack of compliance with the compulsory education rules.** Communication with the school and family is crucial and attempts can be made to design online or other opportunities when applicable. ~~If no status is communicated after the time involved, in accordance with state standards, the parents will need to re-enroll the student upon return.~~

### Excused Absence

Excused absences shall be those that are included as reason for absence according to the Ohio Revised Code. These reasons are:

1. Personal illness. The approving authority may require a medical certification if he/she deems it advisable.
2. Illness in the family. The absence under this condition shall not apply to children under fourteen years of age.
3. Quarantine of the home. The absence of a child from school under this condition is limited to the length of quarantine as fixed by the proper health officials.
4. Death of a relative. The absence arising from this situation is limited to a period of three days unless a reasonable cause may be shown by the applicant child for a longer absence.
5. Work at home due to absence of parents or guardians. Any absence arising because of this situation shall not extend for a period longer than that for which the parents or guardians were absent.
6. Observance of religious holidays. Any child of any religious faith shall be excused if his/her creed or belief.
7. Emergency or set of circumstances which in the judgment of the Superintendent/designee constitutes a good and sufficient cause for absence from school.
8. Field trips or school activities. Absence as a result of an approved field trip or school-sanctioned or sponsored activity shall be an excused absence.

#### Unexcused Absences

An unexcused absence, whether resulting from truancy or other unacceptable reasons, eliminates the opportunity to earn credit for work missed. This shall not preclude the student from completing assignments to keep current.

Disciplinary action may result from unexcused absence.

The Board authorizes the Superintendent/designee to establish a hearing and notification procedure for the purpose of denying a student's driving privileges if that student of compulsory school age has been absent without legitimate excuse for more than 10 consecutive days or a total of at least 15 days during a semester or term.

[Adoption date: August 14, 2001]  
[Re-adoption date: January 28, 2008]  
[Re-adoption date: November 12, 2014]  
[Re-adoption date: May 11, 2015]  
[Re-adoption date: July 8, 2015]

LEGAL REFS.: ORC 3313.609  
3319.16  
3321.01; 3321.03; 3321.04; 3321.13; 3321.14; 3321.19; 3321.38  
4510.32

CROSS REFS.: IGAC, Teaching About Religion  
IKB, Homework  
JEDB, Student Dismissal Precautions  
JHC, Student Health Services and Requirements  
JHCC, Communicable Diseases

DRAFT

HILLIARD CITY SCHOOL DISTRICT  
(Family Trip Application)-FAMILY TRIP APPLICATION

This application is to be completed at least two (2) weeks in advance of the planned trip, and presented to the principal for consideration. Each student is limited to one approved trip per school year without loss of academic standing, provided proper assigned make-up work is completed, including tests and final examinations. More than one trip with a cumulative of 10 days or less may be approved by the building principal/designee. Trips of more than 10 school days shall not be approved except in extraordinary circumstances as determined by the building principal/designee. **If a student is absent for family travel outside of the ten (10) days of excused absences allowed by the District, he/she will be considered unexcused from school and subject to truancy regulations. The school district may be obligated to report the parent/guardian to the Franklin County Juvenile Court System and file charges of lack of compliance with the compulsory education rules.**

Before completing this application, the parent or guardian should give careful consideration to the current academic standing and attendance record of the student(s).

It is hereby requested that:

Student: _____	Student: _____
Teacher(s): _____	Teacher(s): _____
Teacher(s): _____	Teacher(s): _____
Teacher(s): _____	Teacher(s): _____
Teacher(s): _____	Teacher(s): _____
Teacher(s): _____	Teacher(s): _____
Teacher(s): _____	Teacher(s): _____
Teacher(s): _____	Teacher(s): _____
Teacher(s): _____	Teacher(s): _____

be excused from school according to Board Policy, from: \_\_\_\_\_ to \_\_\_\_\_  
(Date) (Date)

Student will return to school on: \_\_\_\_\_  
(Date) (Total School Days Absent)

Reason for request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

_____	_____	_____	_____
(Approved)	(Denied)	(Principal Signature)	(Date)

**EXTENDED ABSENCE INFORMATION**

Communication with the school and family is crucial and attempts can be made to design online or other opportunities when applicable. If no status is communicated after the time involved, in accordance with state standards, the parents will need to re-enroll the student upon their return by accessing the HCSD Welcome Enrollment Online site at <http://HilliardSchools.org/WelcomeCenter>. You will then need to call the Records Compliance Officer at 614.921.7096 to complete the enrollment process. The only document you need for re-enrollment is an updated proof of residence unless you have been out of the country for more than 90 days. If this is the case, a TB (tuberculosis) screening test must be performed.

(Board Approved/Re-approved 11/12/2014, 05/11/2015, 07/08/2015)

**HAZING AND BULLYING**  
(Harassment, Intimidation and Dating Violence)

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

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

Bullying, harassment and intimidation is an intentional written, verbal, electronic or physical act that a student has exhibited toward another particular student more than once. The intentional act also includes violence within a dating relationship. The behavior causes mental or physical harm to the other student and is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for the other student. This behavior is prohibited on school property, on a school bus or at any school-sponsored activity. Students found responsible for harassment, intimidation or bullying by an electronic act may be suspended.

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

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

Prohibited activities of any type, including those activities engaged in via computer and/or electronic communications devices or electronic means, are inconsistent with the educational process and are prohibited at all times. The District educates minors about appropriate online behavior, including but not limited to, interacting with other individuals on social networking and in chat rooms and cyberbullying awareness and response.

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

Administrators, teachers and all other District employees are particularly alert to possible conditions, circumstances or events that might include hazing, bullying and/or dating violence. If any of the prohibited behaviors are planned or discovered, involved students are informed by the discovering District employee of the prohibition contained in this policy and are required to end all such activities immediately. All hazing, bullying and/or dating violence incidents are reported immediately to the **Superintendent/principal**/designee and appropriate discipline is administered.



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

The Superintendent/designee will provide the Board with a summary of all reported incidents two times per year and post the summary on the District's website, to the extent permitted by law.

The administration provides training on the District's hazing and bullying policy to District employees and volunteers who have direct contact with students. Additional training is provided to employees in violence and substance abuse prevention and positive youth development.

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

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

[Adoption date: August 14, 2001]  
[Re-adoption date: January 24, 2005]  
[Re-adoption date: April 12, 2005]  
[Re-adoption date: April 9, 2007]  
[Re-adoption date: January 28, 2008]  
[Re-adoption date: April 26, 2010]  
[Re-adoption date: April 25, 2012]  
[Re-adoption date: August 13, 2012]  
[Re-adoption date: May 11, 2015]  
[Re-adoption date: February 8, 2016]

LEGAL REFS.: Children's Internet Protection Act; 47 USC 254 (h)(5)(b)(iii);  
(P.L. 106-554, HR 4577, 2000, 114 Stat 2763)

ORC 117.53  
2307.44  
2903.31  
3301.22  
3313.666; 3313.667  
**3314.03**  
3319.073

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

DRAFT

## HAZING AND BULLYING (Harassment, Intimidation and Dating Violence)

The prohibition against hazing, dating violence, harassment, intimidation or bullying is publicized in student handbooks and in the publications that set the standard of conduct for schools and students in the District. In addition, information regarding the policy is incorporated into employee training materials.

### School Personnel Responsibilities and Complaint Procedures

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

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

1. physical violence and/or attacks;
2. threats, taunts and intimidation through words and/or gestures;
3. extortion, damage or stealing of money and/or possessions;
4. exclusion from the peer group or spreading rumors;
5. repetitive and hostile behavior with the intent to harm others through the use of information and communication technologies and other web-based/online sites (also known as “cyber bullying”), such as the following:
  - A. posting slurs on web sites, social networking sites, blogs or personal online journals;
  - B. sending abusive or threatening e-mails, web site postings or comments and instant messages;
  - C. using camera phones to take embarrassing photographs or videos of students and/or distributing or posting the photos or videos online and

- D. using web sites, social networking, blogs or personal online journals, e-mails or instant messages to circulate gossip and rumors to other students.
6. excluding others from an online group by falsely reporting them for inappropriate language to Internet service providers.

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

#### Teachers and Other School Staff

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

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

#### Complaints

1. Formal Complaints

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

2. Informal Complaints

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

3. Anonymous Complaints

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

4. False Complaints

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

Intervention Strategies

1. Teachers and Other School Staff

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

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

## 2. Administrator Responsibilities

### A. Investigation

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

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

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

### B. Nondisciplinary Interventions

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

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

C. Disciplinary Interventions

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

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

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

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

Report to the Custodial Parent or Guardian of the Alleged Aggressor

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

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

Reports to the Alleged Target and His/Her Custodial Parent or Guardian

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

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

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

#### Police and Child Protective Services

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

The District must also investigate incidents of hazing, bullying and/or dating violence for the purpose of determining whether there has been a violation of District policy or regulations, even if law enforcement and/or the public children's services are also investigating.

All District personnel must cooperate with investigations by outside agencies.

(Approval date: June 28, 2010)

(Re-approval date: August 13, 2012)

(Re-approval date: May 11, 2015)



## INTERROGATIONS AND SEARCHES

The District has responsibility for the control and management of students at any point while on school property and/or any school-sponsored activities. The administration is to make an effort to protect each student's rights with respect to interrogations by law enforcement officials. The administration has developed regulations in the case of searches and interrogations.

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

Student lockers are the property of the District, and since random searches have a positive impact on reducing drugs and other criminal activity, ~~it is the policy of the Board to permit~~ the building administrators to search any locker and its contents as the administrator believes necessary. Such notice will be posted at or near the entrance to the school grounds and at the main entrance to each school building.

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

[Adoption date: August 14, 2001]

[Re-adoption date: April 13, 2011]

[Re-adoption date: May 11, 2015]

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

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

## INTERROGATIONS AND SEARCHES

### Searches of School Property Assigned to a Student

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

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

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

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

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

6. Strip searches should be discouraged. A substantially higher degree of certainty (more than a reasonable belief) is required prior to conducting such a search. In cases in which school officials believe a strip search is necessary, law enforcement officials should be called to conduct the search.

### **Searches of Unattended Bags by School Personnel**

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

### **Searches of Student Property by Police Law Enforcement Officials**

A law enforcement agency is required to produce a warrant prior to conducting any search of a student's personal property kept on school premises. When the **police law enforcement officials** have reason to believe that any item which might pose an immediate threat to the safety or security of others is kept in a student locker, desk or other storage space, searches may be conducted without a previously issued warrant.

### **Interrogations by Police Law Enforcement Officials**

The schools have legal custody of students during the school day and during hours of approved extracurricular activities. It is the responsibility of the school administration to try to protect each student under its control. Therefore, the following steps shall be taken.

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

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

(Approval date: August 14, 2001)  
(Re-approval date: May 11, 2015)

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## IMMUNIZATIONS

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

Students eligible for preschool, kindergarten and students new to the District must present official written evidence of similar immunizations, or written evidence to indicate that they are in the process of receiving immunizations, to be completed no later than the day of entrance. **The District will immediately enroll homeless students and foster students and assist in obtaining necessary immunization records.** Students failing to complete immunizations within 14 days after entering may not be permitted to return to school.

The District maintains an immunization record for each student, available to parents upon request.

[Adoption date: August 14, 2001]  
[Re-adoption date: February 25, 2002]  
[Re-adoption date: April 3, 2006]  
[Re-adoption date: June 28, 2010]  
[Re-adoption date: January 10, 2011]  
[Re-adoption date: May 11, 2015]

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

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

## STUDENT RECORDS

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

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

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

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

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

The District provides notice in student handbooks to parents and eligible students annually, in accordance with the procedures set forth under administrative regulations, of the rights held by parents and eligible students under law and this policy. It is the intent of the District to limit the disclosure of information contained in the student's education records except:

1. by prior written consent;
2. as directory information and
3. under other limited circumstances, as enumerated under administrative regulations.

The following rights exist:

1. the right to inspect and review the student's education records;
2. the right, in accordance with administrative regulations, to seek to correct parts of the student's education records, including the right to a hearing if the school authority decides not to alter the records according to the parent(s)' or eligible student's request;
3. the right of any person to file a complaint with the U.S. Department of Education if the District violates relevant Federal law, specifically the Family Educational Rights and Privacy Act (FERPA) and
4. the right to acquire information concerning the procedure which the parent(s) or eligible student should follow to obtain copies of this policy, the locations from which these copies may be obtained, as well as any fees to be charged for such copies. \*(See administrative regulations.)

The District proposes to designate the following personally identifiable information contained in a student's education records as "directory information."

1. the student's name;
2. the student's address;
3. the student's telephone number;
4. the student's date of birth;
5. the student's extracurricular participation;
6. the student's achievement awards or honors;
7. the student's weight and height, if a member of an athletic team;
8. student's dates of attendance; and
9. student's date of graduation.

The above information may be disclosed without prior written consent, except when the request is for a profit-making plan or activity **or when the parent/eligible student has informed the Board that any or all such information should not be released without their prior written consent or when disclosure is otherwise prohibited by law.**

Administrative regulations set forth a procedure for annual notification to parents and eligible students of the District's definition of directory information. Parents or eligible students must advise the District, in accordance with such regulations and preferably within the first two weeks of enrollment, if they refuse to permit all directory information about that student.

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

Other than requests as described above, school officials release information from, or permit access to, a student’s education records only with the prior written consent of a parent or eligible student, except that the Superintendent or a person designated in writing by the Superintendent may permit disclosure in certain limited circumstances outlined under administrative regulations (e.g., transfers to another school district or to comply with judicial order or subpoena or where warranted, in a health or safety emergency, etc.).

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

[Adoption date: August 14, 2001]  
[Re-adoption date: February 25, 2002]  
[Re-adoption date: March 9, 2004]  
[Re-adoption date: April 27, 2009]  
[Re-adoption date: July 9, 2013]  
[Re-adoption date: May 11, 2015]  
[Re-adoption date: October 26, 2015]

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

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



STUDENT RECORDS  
(Definitions)

1. Each student's official school records include the following.
  - A. Records to be retained permanently
    - 1) name and address of parent(s)
    - 2) verification of date and place of birth
    - 3) dates and record of attendance
    - 4) course enrollment and grades
    - 5) test data
    - 6) date of graduation or withdrawal
  - B. Records of verifiable information to be retained during the student's school career
    - 1) medical/health data
    - 2) individual psychological evaluation (gathered with written consent of parent(s))
    - 3) individual intelligence tests, tests for learning disabilities, etc. (counselor-administered)
    - 4) other verifiable information to be used in educational decision making
2. Maintaining student records
  - A. Transcripts of the scholastic record contain only factual information. The District confines its recordkeeping to tasks with clearly defined educational ends.
  - B. Items listed under 1-A are retained for 100 years. Those listed under 1-B are retained during the student's enrollment and destroyed after graduation unless the school code imposes other restrictions.
  - C. Teacher and staff comments on student records are confined to matters related to student performance. Value judgments are excluded from the record.
  - D. Student records are considered as current educational and/or therapeutic tools and are available for use as such.

The following definitions of terms pertain to this statement of policy.

Student — any person who attends or has attended a program of instruction sponsored by the Board.

Eligible student — a student or former student who has reached age 18 or is attending a postsecondary school.

Parent — either natural parent of a student, unless his/her rights under the FERPA have been removed by a court order, a guardian or an individual acting as a parent or guardian in the absence of the student's parent(s).

Education records — any records (in handwriting, print, tapes, film, digital or other medium) maintained by the District, an employee of the District or an agent of the District which are related to a student, except:

1. a personal record kept by a school staff member which meets the following tests:
  - A. it was made as a personal memory aid;
  - B. it is in the personal possession of the individual who made it and
  - C. information contained in it has never been revealed or made available to any other person, except the maker's temporary substitute;
2. an employment record which is used only in relation to a student's employment by the District (employment for this purpose does not include activities for which a student receives a grade or credit in a course) and
3. alumni records which relate to the student after he/she no longer attends classes provided by the District and the records do not relate to the person as a student.

Personal identifier — any data or information which makes the subject of a record known, including the student's name, the student's address, the student's social security number, a student number, a list of personal characteristics or any other information which would make the student's identity known.

## ANNUAL NOTIFICATION

Within the first three weeks of each school year, the District publishes in student handbooks a notice to parents and eligible students their rights under Ohio and Federal laws and under this policy. The District also makes available to each student a listing of these rights; this includes a packet of material provided parents or eligible students when the students enroll during the school year.

The notice includes:

1. the right of a parent(s) or eligible student to inspect and review the student's education records;
2. the intent of the District to limit the disclosure of information contained in a student's education records, except: (1) by the prior written consent of the student's parent(s) or the eligible student, (2) as directory information or (3) under certain limited circumstances, as permitted by law;
3. the right of a student's parent(s) or an eligible student to seek to correct parts of the student's education records which he/she believes to be inaccurate, misleading or in violation of student rights; this right includes a hearing to present evidence that the records should be changed if the District decides not to alter them according to the parent(s)' or eligible student's request;
4. the right of any person to file a complaint with the Department of Education if the District violates the FERPA and
5. the procedure that a student's parent(s) or an eligible student should follow to obtain copies of this policy and the locations where copies may be obtained.

An administrator arranges to provide translations of this notice to non-English-speaking parents in their native language.

## LOCATIONS OF EDUCATION RECORDS

TYPES	LOCATION	CUSTODIAN
<u>Cumulative School Records</u>	Principals' Offices	Principals
<u>Cumulative School Records</u> (Former Students)	Central Office	Technology Staff
<u>Health Records</u>	Principals' Offices	Principals
<u>Speech Therapy Records</u> <u>Psychological Records</u>	Principals' Offices	Principals
<u>School Transportation</u> <u>Records</u>	School Bus Garage	Transportation Staff
<u>Special Test Records</u>	Special Services Office	Pupil Personnel Services Staff
<u>Occasional Records</u> (Student education records not identified above; such as those in Superintendent's office, in the school attorney's office, or in the personal possession of teachers)	Principals' Offices	Principals

## PROCEDURE TO INSPECT EDUCATION RECORDS

Parents or eligible students may inspect and review education records to which they are entitled to have access upon request. In some circumstances, it may be mutually more convenient for the record custodian to provide copies of records. (See the schedule of fees for copies.)

Since a student's records may be maintained in several locations, the school principal may offer to collect copies of records or the records themselves from locations other than a student's school, so that they may be inspected at one site. If parents and eligible students wish to inspect records where they are maintained, school principals accommodate their wishes.

Parents or eligible students should submit to the student's school principal a written request which identifies as precisely as possible the record or records which he/she wishes to inspect.

The principal (or other custodian) contacts the parent(s) of the student or the eligible student to discuss how access is best arranged (copies, at the exact location or records brought to a single site).

The principal (or other custodian) makes the needed arrangements as promptly as possible and notifies the parent(s) or eligible student of the time and place where the records may be inspected. This procedure must be completed within 45 days or earlier after the receipt of the request for access.

If for any valid reason such as working hours, distance between record location sites or health, a parent(s) or eligible student cannot personally inspect and review a student's education records, the District arranges for the parent(s) or eligible student to obtain copies of the records. (See the following information regarding fees for copies of records.)

When records contain information about students other than a parent(s)' child or the eligible student, the parent(s) or eligible student may not inspect and review the records of the other students.

#### FEES FOR COPIES OF RECORDS

The District does not deny parents or eligible students any rights to copies of records because of the following published fees. When the fee represents an unusual hardship, it may be waived, in part or entirely, by the records custodian. The District reserves the right to make a charge for copies, such as transcripts, which it forwards to potential employers or to colleges and universities for employment or admissions purposes. The District may deny copies of records (except for those required by law) if the student has an unpaid financial obligation to the District.

Federal law requires the District to provide copies of records for the following reasons:

1. when the refusal to provide copies effectively denies access to a parent(s) or eligible student;
2. at the request of the parent(s) or eligible student when the District has provided the records to third parties by the prior consent of the parent(s) or eligible student or
3. at the request of the parent(s) or eligible student when the District has forwarded the records to another district in which the student seeks or intends to enroll.

The fee for copies provided under Federal law may not include the current costs for search and retrieval.

The fee for all other copies such as copies of records forwarded to third parties with prior consent or those provided to parents as a convenience is at the current cost (actual search, retrieval copying cost and postage, if any).

### DIRECTORY INFORMATION

The District proposes to designate the following personally identifiable information contained in a student's education record as "directory information"; it discloses that information without prior written consent, except that directory information is not released for a profit-making plan or activity **or when disclosure is otherwise prohibited by law**. Such information includes:

1. the student's name;
2. the student's address;
3. the student's telephone number;
4. the student's date of birth;
5. the student's extracurricular participation;
6. the student's achievement awards or honors;
7. the student's weight and height, if a member of an athletic team;
8. student's dates of attendance; and
9. student's date of graduation.

Within the first three weeks of each school year, the District publishes the above list in student handbooks, or a revised list, of the items of directory information which it proposes to designate as directory information. For students enrolling after the notice is published, the list is given to the student's parent(s) or to the eligible student at the time and place of enrollment.

After the parents or eligible students have been notified, they have two weeks in which to advise the District in writing if they refuse to permit the District to designate the list above as directory information about that student.

At the end of the two-week period, each student's records are appropriately marked by the record custodians to indicate the items which the District designates as directory information about that student. This designation remains in effect until it is modified by the written direction of the student's parent(s) or the eligible student.

## USE OF STUDENT EDUCATION RECORDS

To carry out their responsibilities, school officials have access to student education records for legitimate educational purposes. The District uses the following criteria to determine who are school officials. An official is:

1. a person duly elected to the Board;
2. a person certificated by the State and appointed by the Board to an administrative or supervisory position;
3. a person certificated by the State and under contract to the Board as an instructor;
4. a person employed by the Board as a temporary substitute for administrative, supervisory or teaching personnel for the period of his/her performance as a substitute or
5. a person employed by, or under contract to, the Board to perform a special task such as a secretary, a Treasurer, Board attorney or auditor for the period of his/her performance as an employee or contractor.
6. a contractor, consultant, volunteer or other party to whom an agency or institution has outsourced institutional services or functions may be considered a school official provided that the outside party:
  - A. performs an institutional service or function for which the District would otherwise use employees;
  - B. is under the direct control of the District with respect to the use and maintenance of education records and
  - C. abides by the legal requirements governing the use and redisclosure of personally identifiable information from education records.

School officials who meet the criteria listed above have access to a student's records if they have a legitimate educational interest in those records. A "legitimate educational interest" is the person's need to know in order to:

1. perform an administrative task required in the school employee's position description approved by the Board;
2. perform a supervisory or instructional task directly related to the student's education or
3. perform a service or benefit for the student or the student's family such as health care, counseling, student job placement or student financial aid.

The District releases information from or permits access to a student's education records only with a parent's or an eligible student's prior written consent, except that the school Superintendent or a person designated in writing by the Superintendent may permit disclosure under the following conditions:

1. when students seek or intend to enroll in another school district or a postsecondary school; (upon the condition that the student's parents be notified of the transfer, receive a copy of the record and have an opportunity for a hearing to challenge the content of the record)
2. when certain Federal and State officials need information in order to audit or enforce legal conditions related to federally supported education programs in the District;
3. when parties who provide, or may provide, financial aid to students need the information to:
  - A. establish the student's eligibility for the aid;
  - B. determine the amount of financial aid;
  - C. establish the conditions for the receipt of the financial aid or
  - D. enforce the agreement between the provider and the receiver of financial aid;
4. if a State law adopted before November 19, 1974 required certain specific items of information to be disclosed in personally identifiable form from student records to State or local officials;
5. when the District has entered into a written agreement or contract for an organization to conduct studies on the District's behalf to develop tests, administer student aid or improve instruction;



6. when accrediting organizations need those records to carry out their accrediting functions;
7. when parents of eligible students claim the student as a dependent;
8. when it is necessary to comply with a judicial order or lawfully issued subpoena; the District makes a reasonable effort to notify the student's parent(s) or the eligible student before making a disclosure under this provision and
9. if the disclosure is an item of directory information and the student's parent(s) or the eligible student has not refused to allow the District to designate that item as directory information for that student.

The District permits any of its officials to make the needed disclosure from student education records in a health or safety emergency if:

1. the official deems it is warranted by the seriousness of the threat to the health or safety of the student or other persons;
2. the information is necessary and needed because of the emergency;
3. the persons to whom the information is to be disclosed are qualified and in positions to deal with the emergency or
4. time is an important and limiting factor in dealing with the emergency.

The District is required to permit the Ohio Department of Education to have access to personally identifiable information about a student if the Ohio Department of Education needs the information to:

1. notify the District or school attended in the District of threats or descriptions of harm included in the student's response to an achievement test question;
2. verify the accuracy of the student's achievement test score or
3. determine whether the student satisfies the alternative conditions for a high school diploma.

District officials may release information from a student's education records if the student's parent(s) or the eligible student gives his/her prior written consent for the disclosure. The written consent must include at least:

1. a specification of the records to be released;

2. the reasons for the disclosure;
3. the person or the organization or the class of persons or organizations to whom the disclosure is to be made;
4. the parent(s) or student's signature and
5. the date of the consent and, if appropriate, a date when the consent is to be terminated.

The student's parent(s) or the eligible student may obtain a copy of any records disclosed under this provision.

The District does not release information contained in a student's education records, except directory information, to any third parties, except its own officials, unless those parties agree that the information is not redisclosed, without the parent(s)' or eligible student's prior written consent.

#### RECORDS OF REQUESTS FOR ACCESS AND DISCLOSURES MADE FROM EDUCATION RECORDS

The District maintains an accurate record of all requests for it to disclose information from, or to permit access to, a student's education records and of information it discloses and access it permits, with some exceptions listed below. This record is kept with, but is not a part of, each student's cumulative school records. It is available only to the record custodian, the eligible student, the parent(s) of the student or to Federal, State or local officials for the purpose of auditing or enforcing federally supported educational programs.

The record includes:

1. the name of the person who or agency which made the request;
2. the interest which the person or agency has in the information;
3. the date on which the person or agency made the request and
4. whether the request was granted and, if it was, the date access was permitted or the disclosure was made.

The District maintains this record as long as it maintains the student's education record.

The records do not include requests for access or information relative to access which has been granted to parent(s) of the student or to an eligible student, requests for access or access granted to officials of the District who have a legitimate educational interest in the student; requests for, or disclosures of, information contained in the student's education records if the request is accompanied by the prior written consent of a parent(s) or eligible student or if the disclosure is authorized by such prior consent or for requests for, or disclosures of, directory information designated for that student.

## PROCEDURES TO SEEK TO CORRECT EDUCATION RECORDS

Parents of students or eligible students have a right to seek to change any part of the student's records which they believe is inaccurate, misleading or in violation of student rights.

For the purpose of outlining the procedure to seek to correct education records, the term "incorrect" is used to describe a record that is inaccurate, misleading or in violation of student rights. The term "correct" is used to describe a record that is accurate, not misleading and not in violation of student rights. Also, in this section, the term "requester" is used to describe the parent(s) of a student or the eligible student who is asking the District to correct a record.

To establish an orderly process to review and correct the education records for a requester, the District may make a decision to comply with the request for change at several levels in the procedure.

First-level decision. When a parent of a student or an eligible student finds an item in the student's education records which he/she believes is inaccurate, misleading or in violation of student rights, he/she should immediately ask the record custodian to correct it. If the records are incorrect because of an obvious error and it is a simple matter to make the record change at this level, the records custodian makes the correction. If the records are changed at this level, the method and result must satisfy the requester.

If the custodian cannot change the records to the requester's satisfaction, or the records do not appear to be obviously incorrect, he/she:

1. provides the requester a copy of the questioned records at no cost;
2. asks the requester to initiate a written request for the change and
3. follows the procedure for a second-level decision.

Second-level decision. The written requests to correct a student's education records through the procedure at this level should specify the correction which the requester wishes the District to make. It should at least identify the item the requester believes is incorrect and state whether he/she believes the item:

1. is inaccurate and why;
2. is misleading and why and/or
3. violates student rights and why.

The request is dated and signed by the requester.

Within two weeks after the records custodian receives a written request, he/she:

1. studies the request;
2. discusses it with other school officials; (the person who made the record or those who may have a professional concern about the District's response to the request)
3. makes a decision to comply or decline to comply with the request and
4. completes the appropriate steps to notify the requester or moves the request to the next level for a decision.

If, as a result of this review and discussion, the records custodian decides the records should be corrected, he/she effects the change and notifies the requester in writing that he/she has made the change. Each such notice includes an invitation for the requester to inspect and review the student's education records to make certain that the records are in order and the correction is satisfactory.

If the custodian decides the records are correct, he/she makes a written summary of any discussions with other officials and of his/her findings in the matter. He/She transmits this summary and a copy of the written request to the Superintendent/designee.

Third-level decision. The Superintendent/designee reviews the material provided by the records custodian and, if necessary, discusses the matter with other officials such as the school attorney or the Board (in executive session). He/She then makes a decision concerning the request and completes the steps at this decision level. Ordinarily, this level of the procedure should be completed within two weeks. If it takes longer, the Superintendent/designee notifies the requester in writing of the reasons for the delay and indicates a date on which the decision will be made.

If the Superintendent/designee decides the records are incorrect and should be changed, he/she advises the record custodian to make the changes. The record custodian advises the requester of the change as he/she would if the change had been made at the second level.

If the Superintendent/designee decides the records are correct, he/she prepares a letter to the requester which includes:

1. the District's decision that the records are correct and the basis for the decision;
2. a notice to the requester that he/she has a right to ask for a hearing to present evidence that the records are incorrect and that the District grants such a hearing;
3. advice that the requester may be represented or assisted in the hearing by other parties, including an attorney at the requester's expense and
4. instructions for the requester to contact the Superintendent/designee to discuss acceptable hearing officers, convenient times and a satisfactory site for the hearing. (The District is not bound by the requester's positions on these items but may, as far as feasible, arrange the hearing as the requester wishes.)

Fourth-level decision. After the requester has submitted (orally or in writing) his/her wishes concerning the hearing officer, the time and place for the hearing, the Superintendent/designee, within a week, notifies the requester when and where the District will hold the hearing and who it has designated as the hearing officer.

At the hearing, the hearing officer provides the requester a full and reasonable opportunity to present material evidence and testimony to demonstrate that the questioned part of the student's education records are incorrect as shown in the requester's written request for a change in the records (second level).

Within one week after the hearing, the hearing officer submits to the Superintendent/designee a written summary of the evidence submitted at the hearing. Together with the summary, the hearing officer submits his/her recommendation, based solely on the evidence presented at the hearing, that the records should be changed or remain unchanged.

The Superintendent/designee prepares the District's decision within two weeks of the hearing. That decision is based on the summary of the evidence presented at the hearing and the hearing officer's recommendation. The District's decision is based solely on the evidence presented at the hearing. The Superintendent/designee may overrule the hearing officer if he/she believes the hearing officer's recommendation is not consistent with the evidence presented. As a result of the District's decision, the Superintendent/designee takes one of the following actions.

1. If the decision is that the District changes the records, the Superintendent/designee instructs the records custodian to correct the records. The records custodian corrects the records and notifies the requester as in the context of the second-level decision.
2. If the decision is that the District does not change the records, the Superintendent/designee prepares a written notice to the requester which includes:
  - A. the District's decision that the records are correct and will not be changed;
  - B. a copy of a summary of the evidence presented at the hearing and a written statement of the reasons for the District's decision and
  - C. advice to the requester that he/she may place in the student's education records an explanatory statement which states the reasons why he/she disagrees with the District's decision and/or the reasons he/she believes the records are incorrect.

Final administrative step in the procedure. When the District receives an explanatory statement from a requester after a hearing, it maintains that statement as part of the student's education records as long as it maintains the questioned part of the records. The statement is attached to the questioned part of the records and whenever the questioned part of the records is disclosed, the explanatory statement is also disclosed.

(Approval date: August 14, 2001)  
(Re-approval date: August 13, 2007)  
(Re-approval date: April 27, 2009)  
(Re-approval date: July 9, 2013)  
(Re-approval date: May 11, 2015)  
(Re-approval date: October 26, 2015)

## SMOKING ON DISTRICT PROPERTY

The Board is dedicated to providing a healthy, comfortable and productive environment for its staff, students and citizens. Health professionals have determined that smoking poses health hazards not only for the smoker, but for the nonsmoker as well.

Recognizing these health issues, the Board prohibits the smoking, use or possession of tobacco in any form including, but not limited to, cigarettes, cigars, clove cigarettes, chewing tobacco, snuff, alternative nicotine products, electronic cigarettes and any other forms of tobacco ~~in all District-owned, leased or contracted buildings, property and vehicles.~~ **at any time, including non-school hours, and in or on District property, including:**

- **in any building, facility, or vehicle owned, leased, rented, or chartered by the school district; and**
- **on school grounds, athletic grounds or parking lots; and**
- **at any school-sponsored or school-related event, whether such event occurs on-campus or off-campus.**

Citizens failing to comply with this policy are educated as to State law and the Board's policy on smoking. Persons refusing to extinguish smoking materials are directed to leave school property and may be fined by the Ohio Department of Health or its designees.

A notice to this effect is posted at the entrance to all school buildings and in a visible place in all school vehicles.

[Adoption date: August 14, 2001]

[Re-adoption date: April 9, 2007]

[Re-adoption date: April 28, 2014]

[Re-adoption date: September 22, 2014]

[Re-adoption date: May 11, 2015]

LEGAL REFS.: The Elementary and Secondary Education Act; 20 USC 1221 et seq.  
ORC 3313.20; 3313.751  
3794.01; 3794.02; 3794.03 (F); 3794.04; 3794.06

CROSS REFS.: GBK, Smoking on District Property by Staff Members  
JFCG, Tobacco Use by Students  
KGB, Public Conduct on District Property