

Market Street School

5:00 p.m.

August 17,

2009

The New Richmond Exempted Village Board of Education met in regular session at 5:00 p.m. on August 17, 2009, at Market Street School, 212 Market Street, New Richmond, Ohio 45157, with the following members present:

Kim Hayden, President  
Sharon Stark, Vice-President  
Ralph Shepherd  
David Painter  
Kevin Walriven,

Thomas D. Durbin, Superintendent, and Teresa S. Napier, Chief Financial Officer, were also present.

2010-11 Moved by Mr. Painter, seconded by Mr. Shepherd, to enter into executive session for the purpose of consideration of the appointment, employment, dismissal, promotion, demotion or compensation of a public employee; in accordance with Ohio Revised Code 121.22(1). Roll call: Mr. Walriven, yea; Mrs. Hayden, yea; Mrs. Stark, yea; Mr. Shepherd, yea; Mr. Painter, yea. Motion carried.

Mrs. Hayden declared the regular meeting moved into executive session at 5:03 p.m.

Mrs. Hayden declared the executive session adjourned and the regular meeting reconvened at 5:46 p.m.

Mr. Durbin presented the following additions and changes to the agenda:

Add: 2010-19 A. Employment of Personnel

It is recommended that the Board of Education employ the following:

3. Supplementals

f. Michael McKinley, NRHS Instrumental Music Director, Pay Level 8

5. Classified Substitutes

c. Janice Block

Add: 2010-19 B. Acceptance of Resignation

It is recommended that the Board of Education accept the resignation of LaWanna Patrick, classified employee, effective August 15, 2009.

Add: 2010-20 Approval of Graduation Academy Handbook

It is recommended that the Board of Education approve the Graduation Academy Handbook as presented in attachment number 16.

Add: 2010-21 Contract Award

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It is recommended to enter into a contract with First Energy Solutions Corp. for supply of electricity, for the six electric utility account numbers (see attached) effective with the ratification of the contract for a period of 28 months. Estimated savings based upon current usage over the next 28 months \$289,056.10.

2010-12 Moved by Mrs. Stark, seconded by Mr. Walriven, to approve the agenda as amended. Roll call: Mr. Shepherd, yea; Mrs. Hayden, yea; Mr. Painter, yea; Mr. Walriven, yea; Mrs. Stark, yea. Motion carried.

### **PUBLIC PARTICIPATION**

Mr. Rich Grogan requested to have a copy of the agenda on Friday before each board meeting. He also asked about coaching requirements and training of health assistants.

2010-13 Moved by Mr. Painter, seconded by Mrs. Stark to approve the following:

- A. Approve the minutes of the July 17, 2009 regular meeting and the July 9, 2009 special meeting.
- B. Approve the financial report which includes: receipts, cash position, expenditures and investments for the month ending July 31, 2009, as per attached.
- C. Accept the donation of \$763.52 to New Richmond Elementary School from New Richmond Elementary School PTO
- D. Approve disposal of one (1) Brother Intellifax Machine from New Richmond Elementary School, ICN 01679, SN B17488982
- E. Approve payment of invoice 1014 to MK Locker Service in the amount of \$2,176.46.

Roll call: Mr. Shepherd, yea; Mr. Walriven, yea; Mrs. Hayden, yea; Mrs. Stark, yea; Mr. Painter, yea. Motion carried.

On Monday, June 29, 2009 public bids were opened and read aloud for the purchase of two busses. It is recommended that the Board of Education award the contract to Miami Valley International in according to the specifications received with the bid package, for a total sum of \$152,450. It is also recommended that the Board of Education approve the options for air-conditioning on the seventy-two (72) passenger special needs bus at the price of \$8,200.

2010-14 Moved by Mr. Walriven, seconded by Mr. Shepherd, to approve the following:

- A. Purchase of one (1) 72-passenger bus and one (1) 72-passenger special needs bus for a total sum of \$152,450.00 and the option of air-conditioning for the special needs bus at the price of \$8,200.00 from Miami Valley International.
- B. Approve a three-year lease agreement (August 1, 2009 – July 31, 2012) with Clermont County Educational Service Center for approximately 2,172 square feet located at 212

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Market Street at the rate of \$14,000 for 2009-2010, \$15,500 for 2010-2011 and \$17,000  
for 2011-2012.

Roll call: Mrs. Hayden, yea; Mr. Painter, yea; Mrs. Stark, yea; Mr. Shepherd, yea; Mr. Walriven, yea. Motion carried.

2010-15 Moved by Mrs. Stark, seconded by Mr. Painter, to approve the following:

**BOARD OF EDUCATION**  
**NEW RICHMOND EXEMPTED VILLAGE**  
**SCHOOL DISTRICT**  
(Replacement Policy)

**PROFESSIONAL STAFF**  
**3430.01**

**FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")**

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

- A. the birth and/or care of a new born child of the staff member within one (1) year of the child's birth;
- B. the placement with the staff member of a child for adoption or foster care within one (1) year of the child's placement;
- C. the staff member is needed to provide physical and/or psychological care for a spouse, child, or parent with a serious health condition;
- D. the staff member's own serious health condition makes him/her unable to perform the functions of his/her position;
- E. any qualifying exigency (as defined in applicable Federal regulations) arising out of the fact that the staff member's spouse, son, daughter, or parent is a covered military member (i.e. a member of the National Guard or Reserves, but not a member of the Regular Armed Forces) on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation ("Qualifying Exigency Leave").

In addition, an eligible staff member who is a spouse, son, daughter, parent or next of kin of a covered service member with a serious injury or illness may take up to a total of twenty-six (26) work weeks of job-protected, unpaid leave, or substitute appropriate leave if the staff member has earned or accrued it, during a "single twelve (12) month period" to provide physical and/or psychological care for the covered service member ("Military Caregiver Leave"). A covered service member is defined as a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. The "single twelve (12) month period" for leave to care for a covered service member with a serious injury or illness begins the first day the staff member takes leave for this reason and ends twelve (12) month later, regardless of the twelve (12) month period established below

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for general FMLA leave. During the “single twelve (12) month period” an eligible staff member is limited to a combined total of twenty-six (26) work weeks of unpaid leave for any FMLA-

qualifying reason. (Only twelve (12) of the twenty-six (26) work weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

### **Eligible Employees**

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

### **Twelve (12) Month Period**

Twelve (12) month period is defined as a rolling twelve (12) month period measured backward from the date the staff member uses FMLA leave (i.e. the “leave year” is specific to each individual staff member).

### **Serious Health Condition**

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

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

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relating to the same condition, that also involves    a.) treatment two (2) or more  
times within thirty (30) days of the first day of incapacity, unless extenuating

circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapist) under orders of, or on referral by. A health care provider, or b.) treatment by a health care provider, or treatment by a health care provider on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of a health care provider.

- a. Treatment by a health care provider as referenced above involves an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity. The health care provider is responsible for determining whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30) day period.
  - b. Regimen of continuing treatment includes a course of prescription medication (e.g. antibiotics), or therapy requiring special equipment to resolve or alleviate the health condition (e.g. oxygen).
  - c. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
2. A period of incapacity related to pregnancy need not involve a visit to the health care provider for each absence, and the absence need not last more than three (3) consecutive, full calendar days.
  3. A chronic serious health condition is one that: a.) requires periodic visits (i.e. at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider; b.) continues over an extended period of time (including recurring episodes of a single underlying condition); and c.) may cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.) A visit to a health care provider is not necessary for each absence, and each absence need not last more than three (3) consecutive, full calendar days
  4. With regard to permanent or long-term conditions, the employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.
- C. Conditions for which cosmetic treatment are administered (e.g. most treatments for acne or plastic surgery) are not “serious health conditions” unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

#### **Intermittent and Reduced Schedule Leave**

The Superintendent may allow a staff member to take FMLA leave intermittently (i.e. leave in separate blocks of time for a single qualifying reason) or on a reduced schedule leave (i.e. reducing the employee’s usual weekly or daily work schedule) for reason (A) or (B) on page

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one. A staff member is entitled to take FMLA leave on an intermittent or reduced schedule leave when medically necessary as indicated in reasons (C) and (D) on page one. A staff member may

also take FMLA leave on an intermittent or reduced schedule leave for Qualifying Exigency Leave (i.e. reason (E) on page one). Finally, Military Caregiver Leave may be taken on an intermittent or reduced schedule leave when medically necessary. Regardless, the taking of FMLA leave intermittently or on a reduced schedule leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of leave actually taken. If the intermittent or reduced schedule leave is foreseeable based on planned medical treatment for the employee, a family member or covered service member, the Superintendent may require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave than the staff member's regular position. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. The Superintendent may also transfer the staff member to a part-time job with the same hourly rate of pay and benefits, provided the staff member is not required to take more leave than is medically necessary. Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced schedule leave because of reasons © or (D) on page one or pursuant of Military Caregiver Leave and the leave would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

- A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- B. transfer temporarily to an available alternative position offered by the Superintendent for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member.

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

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

#### **Staff Member Notice Requirements**

Staff members seeking to use FMLA leave (including Military Caregiver Leave) are required to provide thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than thirty (30) days in advance, the staff member must provide notice as soon as practicable – generally, either the same or next business day. When the need for leave is unforeseeable, the staff member must provide notice as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, staff members must comply with the Board's usual and customary notice and procedural requirements for requesting leave. Failure to provide timely notice may result in the leave being delayed or denied, and/or possible disciplinary action.

Staff members must provide "sufficient information" for the Superintendent to determine whether the FMLA may apply to the leave request. Depending on the situation, such

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information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, that the staff member or his/her qualifying family member is under the continuing care of a health care provider, that the

requested leave is for a particular qualifying exigency related to the active duty or call to active duty status of a covered military member, or that the leave due to a qualifying family member who is a covered service member with a serious injury or illness. The information may also include the anticipated timing and duration of the leave.

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

### **Substitution of Paid Leave**

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

If a staff member requests and is permitted to use accrued time to receive pay for time taken off for an FMLA reason, or if the Superintendent requires such use pursuant to the Fair Labor Standards Act, the time taken will be counted against the staff member’s FMLA leave entitlement.

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

### **District Notice Requirements**

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

When a staff member requests FMLA leave or the District acquires knowledge that leave may be for a FMLA purpose, the Superintendent shall notify the staff member of his/her eligibility to take leave, and inform the staff member of his/her rights and responsibilities under the FMLA (including the consequences of failing to meet those obligations). Along with the Notice of Rights and Responsibilities, the Superintendent will attach any medical certification that may be required, and a copy of the employee’s essential job functions. If Superintendent determines the staff member is not eligible for FMLA leave, the Superintendent must state at least one (1) reason why the staff member is not eligible. Such notice may be given orally or in writing and



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### **Limits on FMLA When Both Spouses are Employed by the Board**

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

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

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

### **Certification**

When FMLA leave is taken for either reason (C) or (D) on page 1, the staff member must provide medical certification from the health care provider of the eligible staff member or his/her immediate family member. The staff member may either:

- A. submit the completed medical certification to the Superintendent; or
- B. Direct the health care provider to transfer the completed medical certification directly to the Superintendent, which will generally require the staff member to furnish the health care provider with a HIPPA-compliant authorization.

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

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

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

- A. submit the opinion of the second health care provider, and the opinion of the third health care provider if applicable, to the Superintendent;
- B. direct the second or third health care provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the health care provider with a HIPPA-compliant authorization.

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

### **Recertification**

Recertification may be required no more often than every thirty (30) days in connection with an absence by the staff member unless the condition will last for more than thirty (30) days. For conditions that are certified as having a minimum duration of more than thirty (30) days, the District will not request recertification until the specified period has passed, except that in all cases the staff member must submit recertification every six (6) months in connection with an absence by the employee. Additionally, the Superintendent may require a staff member to

provide recertification in less than thirty (30) days if the staff member requests an extension of leave, the circumstances described in the previous certification have changed significantly or if the District receives information that casts doubt upon the staff member's stated reason for the absence or the continuing validity of the certification. Finally, staff members must provide a new medical certification each leave year for medical conditions that last longer than one (1) year.

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

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

The Board authorizes its health care provider and/or management official – but not the staff member's direct supervisor – to authenticate or clarify a medical certification of a serious health condition, or an ITO or ITA (i.e. medical certification provided for reasons (C) or (D) on page one or Military Caregiver Leave). Additionally, the Superintendent is authorized to contact the individual or entity named in the Qualified Exigency Leave certification for purposes of verifying the existence and nature of the meeting.

A staff member who takes leave for reason (D) on page one, prior to returning to work, must provide the Superintendent with a fitness-for-duty certification that specifically addresses the staff member's ability to perform the essential functions of his/her job. The fitness-for-duty certification shall only apply to the particular health condition that caused the staff member's need for FMLA leave.

If reasonable safety concerns exist, the Superintendent may, under certain circumstances, require a staff member to submit a fitness-for-duty certification before s/he returns to work from intermittent FMLA leave. The cost of the certification shall be borne by the staff member.

### **Job Restoration & Maintenance of Health Benefits**

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

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

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

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

denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.

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

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

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

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

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

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

29 U.S.C. 2601 et seq. (as amended)

29 C.F.R. Part 825

45 C.F.R. Part 160, 164

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**BOARD OF EDUCATION  
NEW RICHMOND EXEMPTED VILLAGE  
SCHOOL DISTRICT  
(Revised Policy)**

**CLASSIFIED STAFF  
4120.04**

### **EMPLOYMENT OF CLASSIFIED STAFF**

The Board of Education recognizes its responsibility to procure the services of substitute classified staff in order to prevent the interruption of the operation of the schools.

The names of potential substitute personnel and the positions in which they may substitute shall be maintained by the Superintendent.

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Relatives of staff members may be employed by the Board, provided the staff member being employed is not placed in a position in which s/he is supervised directly by the relative staff member.

Relatives of Board members may be employed by the Board, provided the member of the Board involved does not participate in any way in the discussion or vote.

The employment of substitute classified staff prior to approval by the Board is authorized when their employment is required to maintain continuity of services in the District.

Retroactive employment shall be recommended to the Board at the next meeting.

In order to retain reliable assistance in the absence of regular classified personnel, the Board will offer competitive compensation to qualified substitutes.

Classified substitutes will be paid on a hourly basis at a rate adopted by the Board.

Applicants under final consideration of employment must complete the DMA form with no positive indications that material assistance has been provided to a terrorist organization before working in the District (see Policy 8120).

Substitutes also must pass a background check performed by the Bureau of Criminal Identification and Investigation and a Federal Bureau of Investigation check. (see Policy 4121).

R.C. 2909.34, 3319.39

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**BOARD OF EDUCATION**  
**NEW RICHMOND EXEMPTED VILLAGE**  
**SCHOOL DISTRICT**  
(Replacement Policy)

**CLASSIFIED STAFF**  
**4430.01**

**FAMILY & MEDICAL LEAVES OF ABSENCE ("FMLA")**

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

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- A. the birth and/or care of a new born child of the staff member within one (1) year of the child's birth;
- B. the placement with the staff member of a child for adoption or foster care within one (1) year of the child's placement;
- C. the staff member is needed to provide physical and/or psychological care for a spouse, child, or parent with a serious health condition;
- D. the staff member's own serious health condition makes him/her unable to perform the functions of his/her position;
- E. any qualifying exigency (as defined in applicable Federal regulations) arising out of the fact that the staff member's spouse, son, daughter, or parent is a covered military member (i.e. a member of the National Guard or Reserves, but not a member of the Regular Armed Forces) on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation ("Qualifying Exigency Leave").

In addition, an eligible staff member who is a spouse, son, daughter, parent or next of kin of a covered service member with a serious injury or illness may take up to a total of twenty-six (26) work weeks of job-protected, unpaid leave, or substitute appropriate leave if the staff member has earned or accrued it, during a "single twelve (12) month period" to provide physical and/or psychological care for the covered service member ("Military Caregiver Leave"). A covered service member is defined as a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. The "single twelve (12) month period" for leave to care for a covered service member with a serious injury or illness begins the first day the staff member takes leave for this reason and ends twelve (12) month later, regardless of the twelve (12) month period established below for general FMLA leave. During the "single twelve (12) month period" an eligible staff member is limited to a combined total of twenty-six (26) work weeks of unpaid leave for any FMLA-qualifying reason. (Only twelve (12) of the twenty-six (26) work weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

### **Eligible Employees**

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

### **Twelve (12) Month Period**

Twelve (12) month period is defined as a rolling twelve (12) month period measured backward from the date the staff member uses FMLA leave (i.e. the "leave year" is specific to each individual staff member).

### **Serious Health Condition**

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

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

- B. Continuing treatment by a health care provider, includes any one or more of the following:
- 1.) “incapacity and treatment”; 2.) any incapacity related to pregnancy, or for prenatal care; 3.) any incapacity or treatment for such incapacity due to a chronic serious health condition; 4.) a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g. Alzheimer’s, a severe stroke, terminal stages of a disease); or 5.) any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care service under orders of, or on referral by, a health care provider for a.) restorative surgery after an accident, or b.) other injury or a condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment such as cancer (chemotherapy, radiation, severe arthritis (physical therapy), or kidney disease (dialysis).
1. “Incapacity and treatment” involves a period of incapacity of more than three (3) consecutive full calendar days and any subsequent treatment or period of incapacity relating to the same condition, that also involves a.) treatment two (2) or more times within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapist) under orders of, or on referral by. A health care provider, or b.) treatment by a health care provider, or treatment by a health care provider on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of a health care provider.
    - a. Treatment by a health care provider as referenced above involves an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity. The health care provider is responsible for determining whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30) day period.
    - b. Regimen of continuing treatment includes a course of prescription medication (e.g. antibiotics), or therapy requiring special equipment to resolve or alleviate the health condition (e.g. oxygen).
    - c. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
  2. A period of incapacity related to pregnancy need not involve a visit to the health care provider for each absence, and the absence need not last more than three (3) consecutive, full calendar days.
  3. A chronic serious health condition is one that: a.) requires periodic visits (i.e. at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider; b.) continues over an extended period of time (including recurring episodes of a single underlying condition); and c.) may cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy, etc.) A visit to a health care provider is not necessary for each absence, and each absence need not last more than three (3) consecutive, full calendar days



4. With regard to permanent or long-term conditions, the employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.
- C. Conditions for which cosmetic treatment are administered (e.g. most treatments for acne or plastic surgery) are not “serious health conditions” unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

#### **Intermittent and Reduced Schedule Leave**

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

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

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

#### **Staff Member Notice Requirements**

Staff members seeking to use FMLA leave (including Military Caregiver Leave) are required to provide thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than thirty (30) days in advance, the staff member must provide notice as soon as practicable – generally, either the same or next business day. When the need for leave is not foreseeable, the staff member must provide notice as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, staff members must comply with the Board’s usual and

customary notice and procedural requirements for requesting leave. Failure to provide timely notice may result in the leave being delayed or denied, and/or possible disciplinary action.

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

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

#### **Substitution of Paid Leave**

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

If a staff member requests and is permitted to use accrued time to receive pay for time taken off for an FMLA reason, or if the Superintendent requires such use pursuant to the Fair Labor Standards Act, the time taken will be counted against the staff member’s FMLA leave entitlement.

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

#### **District Notice Requirements**

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

When a staff member requests FMLA leave or the District acquires knowledge that leave may be for a FMLA purpose, the Superintendent shall notify the staff member of his/her eligibility to

2009

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

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

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

#### **Limits on FMLA When Both Spouses are Employed by the Board**

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

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

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

#### **Certification**

When FMLA leave is taken for either reason (C) or (D) on page 1, the staff member must provide medical certification from the health care provider of the eligible staff member or his/her immediate family member. The staff member may either:

- A. submit the completed medical certification to the Superintendent; or
- B. direct the health care provider to transfer the completed medical certification directly to the Superintendent, which will generally require the staff member to furnish the health care provider with a HIPPA-compliant authorization.

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

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

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

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

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

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

### **Recertification**

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

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

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

The Board authorizes its health care provider and/or management official – but not the staff member's direct supervisor – to authenticate or clarify a medical certification of a serious health condition, or an ITO or ITA (i.e. medical certification provided for reasons (C) or (D) on page one or Military Caregiver Leave). Additionally, the Superintendent is authorized to contact the individual or entity named in the Qualified Exigency Leave certification for purposes of verifying the existence and nature of the meeting.

A staff member who takes leave for reason (D) on page one, prior to returning to work, must provide the Superintendent with a fitness-for-duty certification that specifically addresses the staff member's ability to perform the essential functions of his/her job. The fitness-for-duty certification shall only apply to the particular health condition that caused the staff member's need for FMLA leave. If reasonable safety concerns exist, the Superintendent may, under certain circumstances, require a staff member to submit a fitness-for-duty certification before s/he returns to work from intermittent FMLA leave. The cost of the certification shall be borne by the staff member.

### **Job Restoration & Maintenance of Health Benefits**

Upon return from FMLA leave, the Board shall restore the staff member to his/her former position, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. During FMLA leave, the Board shall maintain the staff member's

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current coverage under the Board's group, health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

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

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

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

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

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

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

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

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

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

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**BOARD OF EDUCATION  
NEW RICHMOND EXEMPTED VILLAGE  
SCHOOL DISTRICT**

**STUDENTS  
5136.01**

### **ELECTRONIC EQUIPMENT**

While in some instances the possession and use of electronic equipment or devices by a student at school may be appropriate, often the possession and use of such equipment or devices by students at school can have the effect of distracting, disrupting and/or intimidating others in the school environment and leading to opportunities for academic dishonesty and other disruptions of the educational process. Consequently, the Board of Education will supply any electronic equipment or devices necessary for participation in the educational program. Students shall not

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use any electronic equipment or devices on school property or at any school-sponsored activity without the permission of the principal and/or the classroom teacher.

Students are prohibited from using electronic equipment or devices in a manner that may be physically harmful to another person. Further, at no time may any camera or other electronic equipment/device be utilized by a student in a way that might reasonably create in the mind of

another person an impression of being threatened, humiliated, harassed, embarrassed, or intimidated. See Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior.

Students are prohibited from using cameras and other electronic equipment/devices to capture or record test information or any other information in a manner constituting fraud, theft, or academic dishonesty. Similarly, students are prohibited from using cameras and other electronic equipment and devices to capture or record the words (i.e. audio) and/or images (i.e. pictures/video) of any student, staff member or other person in the school or while attending a school-related activity, without express prior notice and explicit consent for the capture and/or recording of such words or images. Using a camera or other electronic equipment/devices to capture or record audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and is not permitted, unless authorized by the building principal. Cameras and electronic equipment/devices are expressly banned from and may not be possessed, activated, or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include but are not limited to locker rooms, shower facilities, restrooms, classrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The building principal has authority to make determinations as to other specific locations and situations where possession of a camera or other electronic equipment/device is absolutely prohibited.

Unauthorized electronic equipment and devices will be confiscated from the student personnel and disciplinary action taken.

If a camera or other electronic equipment/device is confiscated, it will be released/returned to the student's parent/guardian.

Students are personally and solely responsible for the care and security of any electronic equipment or devices they bring to school. The Board assumes no responsibility for theft, loss, damage, or vandalism to electronic equipment and devices brought onto its property, or the unauthorized use of such devices.

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**BOARD OF EDUCATION  
NEW RICHMOND EXEMPTED VILLAGE  
SCHOOL DISTRICT  
(Revised Policy)**

**PROPERTY  
7440**

**FACILITY SECURITY**

Buildings constitute the greatest financial investment of the District. It is in the best interest of the Board of Education to protect the District's investment adequately. The buildings and

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equipment owned by the Board shall be protected from theft and vandalism in order to maintain the optimum conditions for carrying out the educational programs.

The Superintendent shall develop and supervise a program for the security of the District's students, staff, visitors, school buildings, school grounds, and school equipment in compliance with State and Federal laws. Such a program may include the use of video surveillance and electronic monitoring equipment in appropriate public areas in and around the schools and other District facilities, and on school buses.

Every effort shall be made to apprehend those who knowingly cause serious physical harm to students, staff, visitors, and Board property and to require prosecution of those who bring harm to persons and/or property. The Board will seek repair to rectify the damage or payment of a fee to cover repairs. A reward may be offered for apprehending such persons.

Appropriate authorities may be contacted in the case of serious offenses.

The Superintendent may report to the Board no later than the next regular Board meeting, any significant incident involving vandalism, theft, personal safety or other security risk and the measures being taken to address the situation.

R.C. 2909.05, 3313.173, 3313.642  
A.C. 3301-35-03

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**BOARD OF EDUCATION  
NEW RICHMOND EXEMPTED VILLAGE  
SCHOOL DISTRICT**

**PROPERTY  
7440.01**

### **VIDEO SURVEILLANCE AND ELECTRONIC MONITORING**

The Board of Education authorizes the use of video surveillance and electronic monitoring equipment at various school sites through the District and on school buses. The video surveillance/electronic monitoring equipment shall be used to protect Board property and assets from theft and vandalism, through deterrence and video documentation. The system is not designed nor intended to protect individuals from being victims of violent or property crimes, not to detect other potentially illegal and undesirable activities that may occur, although information may be used as evidence in such cases.

The monitoring of actions and behavior of individuals who come onto school property is a significant factor in maintaining order and discipline and protecting students, staff, visitors, and school and student property. Video surveillance, electronic monitoring systems serve to complement other means being employed in the District to promote and foster a safe and secure teaching, and learning environment for students and staff. The Board recognized that the use of a video surveillance, electronic monitoring system does not replace the need for the ongoing vigilance of the school staff assigned by the building principal to monitor and supervise the school building. Rather, the video surveillance, electronic monitoring system serves as an appropriate and useful tool with which to augment or support the in-person supervision provide



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by staff. The building principal is responsible for verifying that due diligence is observed in maintaining general campus security.

The Superintendent is responsible for determining where to install and operate fixed-location video surveillance/electronic monitoring equipment in the District. The determination of where and when to use video surveillance/electronic monitoring equipment will be made in a nondiscriminatory manner. Video surveillance/electronic monitoring equipment may be placed in common areas in school buildings (e.g. school hallways, entryways, the front office where students, employees and visitors are permitted to freely come and go, gymnasiums, cafeterias, libraries). The school parking lots and other outside areas, and in school buses. Except in

extraordinary circumstances and with the written authorization of the Superintendent, video surveillance/electronic monitoring equipment shall not be used in areas where a person would have a reasonable expectation of privacy (e.g. restrooms, locker rooms, change areas, private offices (unless there is express consent given by office occupant), or conference/meeting rooms), or in individual classrooms during instructional times. Security staff and administrators are authorized to carry and use portable video cameras when responding to incidents.

Any person who takes action to block, move, or alter the location and/or viewing angle of a video camera shall be subject to disciplinary action.

Legible and visible signs shall be placed at the main entrance to buildings and in the areas where video surveillance/electronic monitoring equipment is in use to notify people that their actions/behavior are being monitored/recorded. Additionally, the Superintendent is directed to annually notify parents and students via school newsletters and the Student Handbook, and staff via the Staff handbook, of the use of video surveillance/electronic monitoring systems in their schools.

Any information obtained from video surveillance/electronic monitoring systems may only be used to support the orderly operation of the School District's schools and facilities, and for law enforcement purposes, and not for any other purposes. As such, recordings obtained through the use of video surveillance/electronic monitoring equipment may be used as evidence in any disciplinary proceedings, administrative proceeding or criminal proceeding, subject to Board policy and regulations. Further, such recordings may become a part of a student's education record or staff member's personnel file.

The Board will not use video surveillance/electronic monitoring equipment to obtain information for the purpose of routine staff appraisal/evaluation or monitoring.

Recordings of students will be treated as confidential. Consequently, because the Board is bound by Ohio's Student Records Statute and the Family Educational Rights and Privacy Act (FERPA), copies of video recordings containing personal identifiable information about students shall not be released except to school officials with legitimate educational interests. Parents or guardians of minor students, and students who are eighteen (18) years of age or older, who are charged with disciplinary violations may view relevant portions of any video recording related to the charge, upon written request to the building principal, provided that viewing the recording does not violate State and/or Federal law (i.e., the privacy rights of any other students whose images appear on the recording). Likewise, school personnel may view relevant portions of any video relating to any disciplinary charge against them, upon written request to the building principal, provided that viewing the recording does not violate State and/or Federal law (i.e., the

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privacy rights of any students whose images appear on the recordings). Otherwise, such confidential recordings shall only be released through subpoena or court order.

The Board shall maintain video surveillance/electronic monitoring recordings for a limited period. Any request to view a recording under this policy must be made within seven (7) days of the event/incident. Unless a formal complaint is being investigated, recordings shall be destroyed after seven (7) days. If, however, action is taken by the Board/administration, as a result of a formal complaint or incident, recordings shall be kept for a minimum of one (1) year from the date of the action taken. Recordings may also be kept beyond the normal retention period when approved by the Superintendent.

This policy does not address or cover instances where school officials record a specific event (e.g., a play, music performance, athletic contest, graduation, or Board meeting), or an isolated instance where a classroom is videotaped for educational or research purposes. Authorized videotaping for educational, instructional and/or research purposes is permitted and is not addressed by this policy.

The Superintendent is directed to develop administrative guidelines to address the use of video surveillance/electronic monitoring equipment in school buildings, school buses and on property owned and/or operated by the Board.

Video surveillance is to be implemented in accordance with this policy and the related guidelines. The Board will not accept or tolerate the improper use of video surveillance/electronic monitoring equipment and will take appropriate action in any cases of wrongful use of this policy.

FERPA 20 U.S.C. 1232g  
34 C.F.R. 99.1-99.67  
Title I of the Electronic Communication Privacy Act of 1986  
18 U.S.C. 2510-2521

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**BOARD OF EDUCATION  
NEW RICHMOND EXEMPTED VILLAGE  
SCHOOL DISTRICT**

**PROPERTY  
7530.01**

**WIRELESS COMMUNICATION ALLOWANCE AND STAFF  
USE OF WIRELESS COMMUNICATION DEVICES**

**STAFF USE OF CELLULAR TELEPHONES**

The Board of Education will provide cellular telephones to employees who by the nature of their job have a routine and continuing business need for the use of cellular telephones for official Board business. Cellular telephones are provided as a tool to conduct Board business and to enhance business efficiencies. Cellular telephone are not a personal benefit and shall not be a primary mode of communication, unless they are the most cost-effective means to conduct Board business (i.e., because cellular telephone accounts are billed on a time-used basis, Board-owned



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of loss or damage to personal cellular telephones carried by employees during working hours.

- D. When authorized in writing by the Superintendent or his/her designee, the cost of using a personal cellular telephone for official business may be reimbursed to the employee.

Violation of this policy may constitute just cause for disciplinary action up to and including termination.

**BOARD OF EDUCATION  
NEW RICHMOND EXEMPTED VILLAGE  
SCHOOL DISTRICT**

## STAFF USE OF CELLULAR TELEPHONES

The Board of Education will provide cellular telephones to employees who by the nature of their job have a routine and continuing business need for the use of cellular telephones for official Board business. Cellular telephones are provided as a tool to conduct Board business and to enhance business efficiencies. Cellular telephone are not a personal benefit and shall not be a primary mode of communication, unless they are the most cost-effective means to conduct Board business (i.e., because cellular telephone accounts are billed on a time-used basis, Board-owned cellular telephones and services should not be used when a less costly alternative method of communication is safe, convenient and readily available).

The Board of Education requires the staff members to be accessible by telephone for Board business and emergencies when and if need arises. Cellular telephone technology enables individuals to be reached whenever a situation arises necessitating immediate contact and communication, regardless of the person's location at that time. Therefore, a Board-owned cellular telephone may be issued to the Superintendent.

Cellular telephone calls are not secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to students.

Employees must safeguard any Board-owned cellular telephone in their possession. Reasonable precautions should be made to prevent equipment loss, damage, theft and vandalism. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the equipment for return or inspection. Employees unable to present the equipment in good working condition within the time period requested (e.g., twenty-four (24) hours) may be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

The Board reserves the right to audit all Board-owned cellular telephones and their use, which will include but not be limited to, a review of the monthly billing by the Treasurer. Board

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cellular telephones and cellular service account statements, invoices and payment documents are public records and, as such, may be subject to disclosure and review.

Use of Board-Owned Cellular Telephones for Personal Calls

The Superintendent listed above shall not be billed for local and long distance calls of a personal nature made from their cellular telephone, provided the personal calls do not result in additional charges beyond the usual and customary charge associated with the staff member's plan. The Board determines that these expenditure(s) serve a public purpose given the accessibility required of the individual(s) required to have a Board-owned cellular telephone for the purposes described above. If, however, the personal calls result in excess charges, then the Superintendent shall be billed for any charges in excess of the base plan amount.

Board employees may carry personal cellular telephones with them while on Board time and/or while operating Board equipment, but are subject to the following restrictions:

- A. Excessive use of a personal cellular telephone for personal business during work hours is considered outside the employee's scope of employment.
- B. Employees are responsible for operating Board-owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees should refrain from using personal cellular telephones while operating such vehicle or equipment.
- C. The Board assumes no liability for loss or damage to employees' personal cellular telephones carried in Board vehicles or left on Board property. Employees assume the risk of loss or damage to personal cellular telephones carried by employees during working hours.
- D. When authorized in writing by the Superintendent or his/her designee, the cost of using a personal cellular telephone for official business may be reimbursed to the employee.

Violation of this policy may constitute just cause for disciplinary action up to and including termination.

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**BOARD OF EDUCATION  
NEW RICHMOND EXEMPTED VILLAGE  
SCHOOL DISTRICT  
(Revised Policy)**

**PROPERTY  
7540.02**

**DISTRICT WEB PAGE**

The board of education authorizes staff members and students to create web pages/sites that will be hosted on the Board's servers and published on the Internet. The web pages/sites must reflect the professional image of the District, its employees, and students. The content of all pages must be consistent with the Board's Mission Statement and staff-created web pages/sites are subject to prior review and approval of the Superintendent or designee. Student-created web pages/sites are subject to Policy 5722 ("School-Sponsored Student Publications and Productions").

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The purpose of web pages/sites hosted on the Board's servers is to educate, inform, and communicate. The following criteria shall be used to guide the development of such web pages/sites:

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

**A. Educate**

Content should be suitable for and usable by students and teachers to support the curriculum and the Board's Objectives as listed in the Board's Strategic Plan.

**B. Inform**

Content may inform the community about the school. Teachers, students, or departments, including information about curriculum, events, class projects, student activities, and departmental policies.

**C. Communicate**

Content may communicate information about the plans, policies and operations of the District to members of the public and other persons who may be affected by District matters.

The information contained in the Board's web site should reflect and support the Board's Mission Statement, Educational Philosophy, and the School Improvement Process.

When the content includes a photograph or information relating to a student, the Board will abide by the provisions of Policy 8330 – Student Records.

All links included on web pages must also meet the above criteria and comply with State and Federal law (e.g. copyright laws, Children's Internet Protection Act, ADA).

Under no circumstances is a web site to be used for commercial purposes, advertising, political lobbying or to provide financial gains for any individual. Included in this prohibition is the fact no web pages contained on the District's web site may: (1) include statements or other items that support or oppose a candidate for public office, the investigation, prosecution or recall of a public official, or passage of a tax levy or bond issue; (2) link to a web site of another organization if the other web site includes such a message; or (3) communicate information that supports or opposes any labor organization or any action by, on behalf of, or against any labor organization. Nothing in this paragraph shall prevent the Board from linking on the District's web site to recognized news/media outlets (e.g., local newspapers' web sites, local television stations' web sites).

Under no circumstances is a staff member-created web page/site, including persona web pages/sites, to be used to post student progress reports, grades, class assignments, or any other similar class-related material. The Board maintains its own web site (e.g. Edline) that employees are required to use for the purpose of conveying information to students and/or parents.

Staff members are prohibited from requiring students to go to the staff member's personal web pages/sites (including, but not limited to, their Facebook or MySpace pages) to check grades, obtain class assignments and /or class-related materials, and/or to turn in assignments.

If a staff member creates a web page/site related to his/her class, it must be hosted on the Board's server.

Unless the web page/site contains student personally identifiable information, Board web sites that are created by students and/or staff members that are posted on the Internet should not be password protected or otherwise contain restricted access features, whereby only employees, student(s), or other limited groups of people can access the site. Community members, parents,

employees, staff, students, and other web site users will generally be given full access to the sites created pursuant to this policy.

Pages should reflect an understanding that both internal and external audiences will be viewing the information.

School web sites must be located on Board-affiliated servers.

The Superintendent shall prepare administrative guidelines defining the rules and standards applicable to the use of the Board's web site and the creation of web pages/sites by staff and students.

The Board retains all proprietary rights related to the design of web sites and/or pages that are hosted on the Board's servers, absent written agreement to the contrary.

Students who want their class work to be displayed on the Board's web site must have written parent permission and expressly license its display without cost to the Board.

Prior written parental permission is necessary for a student to be identified by name on the Board's web site.

R.C 9.03

O.A.G. Opinion No. 2202-01

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**BOARD OF EDUCATION  
NEW RICHMOND EXEMPTED VILLAGE  
SCHOOL DISTRICT**

**PROPERTY  
7540.05**

### **ELECTRONIC MAIL**

The Board of Education is committed to the effective use of electronic mail ("e-mail") by all District staff and Board members in the conduct of their official duties. This policy, as well as any guidelines developed pursuant to it, are not meant to limit or discourage the use of e-mail for conducting the official business of the District, but rather, this policy and any corresponding guidelines are intended to establish a framework for the proper use of e-mail as an official business tool.

When available, the District's e-mail system must be used by employees for any official District e-mail communications. Personal e-mail accounts on providers other than the District's e-mail system may be blocked at any time due to concerns for network security, SPAM, or virus protection. Furthermore, District staff are expected to exercise reasonable judgment and prudence and take appropriate precautions to prevent viruses from entering the District's network when opening or forwarding any e-mails or attachments to e-mails that originate from unknown sources.

District staff shall not send or forward mass e-mails, even if the e-mails concern District business, without prior approval of the Technology Director.



District staff may join list serves or other e-mail services (e.g. RSS feeds) that pertain to their responsibilities in the District, provided these list serves or other e-mail services do not exceed the staff member's e-mail storage allotment. Staff members are required to keep their inbox and folders organized by regularly reviewing e-mail messages, appropriately saving e-mails that constitute a public record or student record and e-mails that are subject to a Litigation Hold, and purging all other e-mails that have been read. If the staff member is concerned that his/her e-mail storage allotment is not sufficient, s/he should contact the District's technology coordinator (IT staff). Similarly, if a staff member is unsure whether s/he has adequate storage or should subscribe to a list serv or RSS feed, s/he should discuss the issue with the District's technology coordinator. The Technology Director is authorized to block e-mail from list serves or e-mail services.

### **Public Records**

The District complies with all Federal and State laws pertaining to electronic mail. Accordingly, e-mails written by or sent to District staff and Board members may be public records if their content concerns District business, or education records if their content includes personally identifiable information about a student. E-mails that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 – Public Records. E-mails that are student records should be maintained pursuant to Policy 8330 – Student Records. Finally e-mails may constitute electronically stored information ("ESI") that may be subject to a Litigation Hold pursuant to Policy 8315 – Information Management.

State and Federal law exempt certain documents and information within documents from disclosure, no matter what their form. Therefore, certain e-mails may be exempt from disclosure or it may be necessary to redact certain content in the e-mails before the e-mails are released pursuant to a public records request, the request of a parent or eligible student to review education records, or a duly served discovery request involving ESI.

E-mails written by or sent to District staff and Board members by means of their private e-mail account may be public records if the content of the e-mails concerns District business, or education records if their content includes personally identifiable information about a student. Consequently, staff shall comply with a District request to produce copies of e-mail in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold, even if such records reside on a computer owned by an individual staff member, or are accessed through an e-mail account not controlled by the District.

### **Retention**

Pursuant to State and Federal law, e-mails that are public records or education records, and e-mails that are subject to a Litigation Hold shall be retained.

E-mail retention is the responsibility of the individual e-mail user. E-mails sent or received using the District's e-mail service may only be retained for ninety (90) days on the server. This retention is for disaster recovery and not to provide for future retrieval. The District does not maintain a central or distributed e-mail archive of e-mail sent and/or received.

### **Unauthorized E-mail**

The Board does not authorize the use of its proprietary computers and computer network ("network") to accept, transmit, or distribute unsolicited bulk e-mail sent through the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is unauthorized. Similarly, e-mail that is relayed from any third party's e-mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network. The Board does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e-mail. The Board reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the network. The Board's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of its rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender and/or possible disciplinary action.

#### **Authorized Use and Training**

Pursuant to Policy 7540.04, staff and Board members using the District's e-mail system shall acknowledge their review of, and intent to comply with, the District's policy on acceptable use and safety by signing and submitting Form 7540.04 F1 annually.

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**BOARD OF EDUCATION  
NEW RICHMOND EXEMPTED VILLAGE  
SCHOOL DISTRICT**  
(Revised Policy)

**OPERATIONS  
8330**

#### **STUDENT RECORDS**

#### **STUDENT RECORDS**

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

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

certainty; or information requested by a person who the District reasonably believes knows the identity of the student to whom the education record relates.

The Board is responsible for the records of all students who attend or have attended schools in this District. Only records mandated by the State or Federal government and/or necessary and relevant to the function of the School District or specifically permitted by this Board will be compiled by Board employees.

In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

Student records shall be available only to students and their parents, eligible students, designated school officials who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law.

The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" refers to a student who is eighteen (18) years of age or older, or a student of any age who is enrolled in a postsecondary institution.

Both parents shall have equal access to student records unless stipulated otherwise by court order or law. In the case of eligible students, parents may be allowed access to the records without the student's consent, provided the student is considered a dependent under section 152 of the Internal Revenue Code.

A school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board; a person or company with whom the Board has contracted to perform a special task (such as an attorney, auditor, or medical consultant); a contractor, consultant, volunteer or other party to whom the Board has outsourced a service otherwise performed by Board employees (e.g. a therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers).

"Legitimate educational interest" is defined as a "direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the District" or if the record is necessary in order for the school official to perform an administrative, supervisory, or instructional task or to perform a service or benefit for the student or the student's family. The Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that school officials obtain access to only those education records in which they have legitimate educational interest.

The Board authorizes the administration to:

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- A. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a private or public school or school district in which a student of this District is enrolled, seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that:

1. a reasonable attempt is made to notify the student's parent or eligible student of the transfer (unless the disclosure is initiated by the parent or eligible student; or the Board's annual notification - Form 8330 F9 - includes a notice that the Board will forward education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer);
2. the parent or eligible student, upon request, receives a copy of the record; and
3. the parent or eligible student, upon request, has an opportunity for a hearing to challenge the content of the record;

- B. provide "personally-identifiable" information to appropriate parties, including parents of eligible students, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;

- C. report a crime committed by a child with a disability to appropriate authorities and to transmit copies of the student's special education and disciplinary records to the authorities for their consideration;

- D. release de-identified records and information in accordance with Federal regulations;

- E. disclose personally identifiable information from education records, without consent, to organizations conducting studies "for, or on behalf of" the District for purposes of developing, validating or administering predictive tests, administering student aid programs, or improving instruction;

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than representative of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to release information under this provision, the District will enter into a written agreement with the recipient organization that specifies the purpose of the study. (See Form 8330 F14.) While the disclosure of personally identifiable information without consent is allowed under this exception, it is recommended that whenever possible the administration either release de-identified information or remove the students' names and social security identification numbers to reduce the risk of unauthorized disclosure of personally identifiable information.

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

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August 17, 2009

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

The Board shall maintain a record of each request for access and each disclosure of personally identifiable information. Such disclosure records will indicate the student, person viewing the record, their legitimate interest in the information, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (if required).

Only "directory information" regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent, or, if the student is an eligible student, without the written consent of the student, except to those persons or parties stipulated by the Board's policy and administrative guidelines and/or those specified in the law.

#### **DIRECTORY INFORMATION**

Each year the Superintendent shall provide public notice to students and their parents of the District's intent to make available, upon request, certain information known as "directory information." The Board designates as student "directory information": a student's name; address; telephone number; date and place of birth; major field of study; participation in officially-recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; date of graduation; and awards received.

Directory information shall not be provided to any organization for profit-making purposes.

Parents and eligible students may refuse to allow the Board to disclose any or all of such "directory information" upon written notification to the Board within fourteen (14) days after receipt of the Superintendent's annual public notice.

In accordance with Federal and State law, the Board shall release the names, addresses, and telephone listings of secondary students to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information. A secondary school student or parent of the student may request in writing that the student's name, address, and telephone listing not be released without prior consent of the parent(s)/eligible student. The recruiting officer is to sign a form indicating that "any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to any person other than individuals within the recruiting services of the Armed Forces." The Superintendent is authorized to charge mailing fees for providing this information to a recruiting officer.

Whenever consent of the parent(s)/eligible student is required for the inspection and/or release of a student's health or education records or for the release of "directory information," either parent may provide such consent unless agreed to otherwise in writing by both parents or specifically stated by court order. If the student is under the guardianship of an institution, the Superintendent shall appoint a person who has no conflicting interest to provide such written consent.

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

The Board shall not permit the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

### **INSPECTION OF INFORMATION COLLECTION INSTRUMENT**

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a student or parent's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible student must submit a written request to the building principal at least three (3) business days before the scheduled date of the activity. The instrument will be provided to the parent or eligible student within five (5) business days of the principal receiving the request.

The Superintendent shall directly notify the parent(s) of a student and eligible students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when such activities are scheduled or expected to be scheduled.

This section does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- A. college or other postsecondary education recruitment, or military recruitment
- B. book clubs, magazine, and programs providing access to low-cost literary products
- C. curriculum and instructional materials used by elementary and secondary schools
- D. tests and assessments used by elementary and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments
- E. the sale by students of products or services to raise funds for school-related or education-related activities
- F. student recognition programs

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

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

The Superintendent shall also develop procedural guidelines for:

- A. the proper storage and retention of records including a list of the type and location of records;
- B. informing Board employees of the Federal and State laws concerning student records.

The Board authorizes the use of the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

No liability shall attach to any member, officer, or employee of this Board as a consequence of permitting access or furnishing student records in accordance with this policy and regulations.

R.C. 9.01, 149.41, 149.43, 1347 et seq., 3113.33, 3319.321

34 C.F.R. Part 99

20 U.S.C., Section 1232f through 1232i (FERPA)

26 U.S.C. 152

20 U.S.C. 1400 et seq., Individuals with Disabilities Education Improvement Act

20 U.S.C. 7165(b)

20 U.S.C. 7908

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**BOARD OF EDUCATION**  
**NEW RICHMOND EXEMPTED VILLAGE**  
**SCHOOL DISTRICT**  
(Revised Policy)

**OPERATIONS**  
**8462**

**STUDENT ABUSE AND NEGLECT**

Market Street School

5:00 p.m.

August 17, 2009

The Board of Education is concerned with the physical and mental well-being of the students of this District and will cooperate in the identification and reporting of cases of child abuse or neglect in accordance with law.

Every Board official and employee who, in connection with his/her position, knows or suspects child abuse or neglect must immediately report that knowledge or suspicion to a public children's services or local law enforcement agency. Such reporting shall be required in every case that reasonably indicates that a child under the age of eighteen (18) or a physically or mentally disabled child under the age of twenty-one (21) has been abused (physically or mentally) or neglected or faces the threat of being abused or neglected.

The Board official and employee making the report shall also notify the appropriate administrator according to the District's Reporting Procedure for Student Abuse or Neglect and shall secure prompt medical attention to any such injuries reported.

Each principal should be mindful of the possibility of physical or mental abuse being inflicted on a student by an employee. Any such instances, whether real or alleged, should be dealt with in accordance with the administrative guidelines established by the Superintendent. Board officials and employees must report suspected abuse to a public children's services or local law enforcement agency even when the suspected abuser is another official or employee.

The identity of the reporting person shall be confidential, subject only to disclosure by consent or court order. Information concerning alleged child abuse of a student is confidential information and is not to be shared with any unauthorized person. A staff member who violates this policy may be subject to disciplinary action and/or civil and/or criminal penalties.

In accordance with law, the Board will provide appropriate instruction on personal safety and assault prevention to all students in grades K-6. In order to develop programs that are appropriate and effective, the Superintendent is authorized to consult with public and/or private agencies or individuals involved in child abuse prevention and intervention. In addition, the Superintendent shall provide a program of in-service education on prevention of child abuse, violence, and substance abuse and promotion of positive youth development for all elementary school staff members. All newly-employed professional staff shall complete at least four (4) hours of in-service training within two (2) years of the date of employment. Additional training must occur every five (5) years thereafter.

A law enforcement officer or children's services agency investigating child abuse or neglect may interview a student on school grounds only in accordance with Board Policy 5540.

R.C. 2151.421, 3313.60, 3319.073

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Roll call: Mr. Shepherd, yea; Mr. Walriven, yea; Mrs. Hayden, yea; Mr. Painter, yea; Mrs. Stark, yea. Motion carried.

2010-16 Moved by Mr. Walriven, seconded by Mr. Painter to approve bus stops at each student's home or at the spot designated by the transportation supervisor and approve all district maintained turn-arounds. All adjustments are to be brought the Board of Education at their meeting in



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September 2009. Roll call: Mr. Shepherd, yea; Mrs. Hayden, yea; Mrs. Stark, yea; Mr. Painter, yea; Mr. Walriven, yea. Motion carried.

2010-17 Moved by Mr. Walriven, seconded by Mrs. Stark, to rescind action item number 2009-185.A. – Approval of Student Fees for the 2009-2010 school year. Roll call: Mr. Shepherd, yea; Mrs. Hayden, yea; Mr. Painter, yea; Mrs. Stark, yea; Mr. Walriven, yea. Motion carried.

2010-18 Moved by Mrs. Stark, seconded by Mr. Walriven, to eliminate the collection of student fees for instructional materials for all grade levels for the 2009-2010 school year. Roll call: Mr. Shepherd, yea; Mrs. Hayden, yea; Mr. Painter, yea; Mr. Walriven, yea; Mrs. Stark, yea. Motion carried.

2010-19 Moved by Mr. Shepherd, seconded by Mr. Painter, to approve the following:

A. Employ the following:

1. Classified Employee (2009-2010 School Year)

- a. Denise Justice, one year limited contract, salary step 2
- b. Deborah Kilgore, one year limited contract, salary step 14

2. Salary Schedule Placement

- a. Effective with the commencement of the 2009-2010 school year, Lynda Adams be advanced to salary step four (4) based up her notification of experience in previous employment according to Article 49.1 of the OAPSE Local #267 negotiated agreement.

3. Supplementals (2009-2010 School Year)

<u>Name</u>	<u>Position</u>	<u>Pay Level</u>
Allison Ellis	NRE CARE Team Representative	4
Jamie Kipfer	Varsity Volleyball Assistant Coach	8
Terry Miller	NRMS CARE Team Representative	4
Carole Snider	Monroe CARE Team Representative	4
Carole Snider	Teen Peer Counseling Advisor	6
Michael McKinley	NRHS Instrumental Music Director	8

4. Certified Substitutes (2009-2010 School Year)

- a. Nida Carrelli
- b. Laura Cornell
- c. Sheryl Faubion

5. Classified Substitutes (2009-2010 School Year)

- a. Amy Day
- b. Rosina Jones

Market Street School  
c. Janice Block

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6. Band Camp Instructor (\$450 Stipend) (2009-2010 School Year)
  - a. Verdayne Patrick Naylor
7. Lay Coach (2009-2010 School Year)

<u>Name</u>	<u>Position</u>	<u>Pay Level</u>
Timothy Dunn	Freshmen Football Coach	9

- B. Accept the resignation of LaWanna Patrick, classified employee, effective August 15, 2009.

- 2010-20 Moved by Mr. Walriven, seconded by Mrs. Stark to approve the Graduation Academy handbook as presented. Roll call: Mr. Shepherd, yea; Mrs. Hayden, yea; Mr. Painter, yea; Mrs. Stark, yea; Mr. Walriven, yea. Motion carried.
- 2010-21 Moved by Mrs. Stark, seconded by Mr. Painter, to enter into a contract with First Energy Solutions Corp. for supply of electricity, for the six electric utility account numbers effective with the ratification of the contract for a period of 28 months. Estimated savings based upon current usage over the next 28 months \$289,056.10. Roll call: Mr. Shepherd, yea; Mr. Walriven, yea; Mrs. Hayden, yea; Mr. Painter, yea; Mrs. Stark, yea. Motion carried.
- 2010-22 Moved by Mr. Shepherd, seconded by Mrs. Stark, to adjourn the regular meeting. Roll call: all yeas.

Mrs. Hayden declared the regular meeting adjourned at 7:40 p.m.

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Kimberly Hayden, President

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Teresa S. Napier, Chief Financial Officer