

DATA AND RECORDS RETENTION

All records¹ are the property of the District and are not removed, destroyed, mutilated, transferred or otherwise damaged or disposed of, in whole or in part, except as provided by law or under the rules adopted by the District Records Commission. Such records shall be delivered by outgoing officials and employees to their successors and shall not be otherwise removed, transferred or destroyed unlawfully.

The Records Commission is composed of the Board President, the Treasurer and the Superintendent and meets at least once every 12 months.

The function of the commission is to review applications for one-time **disposal of obsolete** records ~~disposal~~ and schedules of records retention and disposition submitted by any employee of the District. Records may be disposed of by the District pursuant to the procedure outlined below. The commission may at any time review any schedule it has previously approved and may revise that schedule, **in accordance with State law**.

The Superintendent designates a Records Officer in each department/building who is responsible for all aspects of records retention, including electronic mail, within that department/building.

When ~~the District Records Commission has approved~~ ~~have been approved for disposal, the Records Commission sends a list of such records to the Auditor of State. If he/she disapproves the action by the commission, in whole or in part, he/she so informs the commission within a period of 60 days, and these records are not destroyed.~~ **an application for one-time disposal of obsolete records, or any schedule of records retention and disposition, the applications and/or schedules are sent to the Ohio Historical Society (OHS) for review. The OHS will review the application or schedule within a period of 60 days. During this time, the OHS may select for its custody any records it considers to be of continuing historical value. The OHS will denote upon any schedule of records retention, and disposal, the records for which they will require a certificate of records disposal prior to their disposal. After the OHS has completed their review, OHS will forward the applications and/or schedules to the Auditor of State for their approval or disapproval. The Auditor of State must approve or disapprove the application and/or schedule within 60 days.**

Before public records are disposed of **pursuant to an approved schedule**, ~~the Ohio Historical Society is informed and District must inform OHS of the disposal of only the records that OHS has requested to see.~~ **OHS is given the opportunity for a period of 15 days to select for its custody such public records as it considers to be of continuing historical value.**²

Electronic Mail and Social Media Content

Electronic mail sent or received by the Board and/or District employees **and social media content** may be considered a public record subject to public disclosure or inspection under the Open Meetings Act (Sunshine Law). ~~Upon sending or receiving electronic mail, all users shall segregate or store public electronic mail records.~~ **If the electronic mail or social media content is the District's official record and meets the definition of a record as defined by State law, then the information must be retained in accordance with the District records retention schedule.**

All Board and District electronic mail communications **and social media content** are monitored in accordance with the attached regulation to ensure that all ~~public~~ electronic mail **and social media public** records are retained, archived and destroyed in compliance with State law.

District employees are subject to disciplinary action for violation of this policy and regulation.

[Adoption date:]

LEGAL REFS.: Family Educational Rights and Privacy Act; 20 USC 1232g et seq.

ORC 9.01

149.011; 149.35; **149.381**; 149.41; 149.43

3313.29

3319.321

3701.028

Ohio Historical Society Form RC-1

Ohio Historical Society Form RC-2

Ohio Historical Society Form RC-3

CROSS REFS.: DI, Fiscal Accounting and Reporting

GBL, Personnel Records

JO, Student Records

KBA, Public's Right to Know

¹Records include **any** document, device or item, regardless of physical form or characteristic, **including an electronic record (as defined in Ohio Revised Code (RC) 1306.01)**, created or received by or coming under the jurisdiction of the District that serves to document the organization, functions, policies, decisions, procedures, operations or other activities of the District, ~~Ohio Revised Code Section (RC)149.011.~~

²The Historical Society may not review or select for its custody the records set forth in RC ~~149.41(A) and (B)~~ **149.381(E)**.

NOTE: THIS IS A REQUIRED POLICY

DATA AND RECORDS RETENTION
(Electronic Mail **and Social Media Content**)

The Ohio Electronic Records Committee has established the following guidelines for managing electronic mail (email) **and social media content**.

Retention or disposition of email messages **and social media content** must be related to the information they contain or the purpose they serve. The content, transactional information and any attachments associated with the message are considered a record (if they meet State law criteria). Because the content of email messages **and social media content** may vary considerably, the content must be evaluated to determine the length of time messages **and content** must be retained.

Electronic Mail

There are two categories of email retention: non-record messages and official record messages.

Non-Record Messages

Email messages that do not meet the criteria of the Ohio Revised Code definition of a record may be deleted at any time, unless they become part of some official record as a result of special circumstances. These items may be immediately deleted, or maintained in a “Non-Record” mail box and deleted later, just as you might trash the unwanted publications or promotional flyers. Types of messages may include:

1. Personal Correspondence: Any email not received or created in the course of state business may be deleted immediately, since it is not an official record. Examples include, but are not limited to, the “Let’s do lunch” (not a business lunch) or “Can I catch a ride home” type of note.
2. Non-State Publications: Publications, promotional material from vendors and similar materials that are “publicly available” to anyone are not official records. In the electronic world, this includes list serve messages (other than those you post in your official capacity), unsolicited promotional material (“spam”), files copied or downloaded from Internet sites, etc.

Official Record Messages

Email messages that meet the definition of a record in the Ohio Revised Code are official records and must be scheduled, retained and disposed of as such. These official records fall into the following categories:

1. Transient Messages: This type of email has a very limited administrative value. Transient messages do not set policy, establish guidelines or procedures, certify a transaction or become a receipt. The informal tone of transient messages might be compared to a communication that might take place during a telephone conversation in an office hallway.

Transient Documents: Include telephone messages, drafts and other limited documents that serve to convey information of temporary importance in lieu of oral communication.

Retention: Until no longer of administrative value, then destroy

2. Intermediate Messages: Email messages that have more significant administrative, legal and/or fiscal value but are not scheduled as transient or permanent should be categorized under other appropriate record series. These may include (but are not limited to):
 - A. General Correspondence: Includes internal correspondence (e.g., letters, memos); also, correspondence from various individuals, companies and organizations requesting information pertaining to agency and legal interpretations and other miscellaneous inquiries. This correspondence is informative (it does not attempt to influence District policy).

Retention: 1 year, then destroy

- B. Routine Correspondence: Referral letters, requests for routine information or publications provided to the public by the District that are answered by standard form letters.

Retention: 6 months, then destroy

- C. Monthly and Weekly Reports: Document status of ongoing projects and issues; advise supervisors of various events and issues.

Retention: 1 year, then destroy

- D. Minutes of Agency Staff Meetings: Minutes and supporting records documenting internal policy decisions.

Retention: 2 years, then transfer to State Archives for their possible retention or destruction

3. Permanent Messages: Email messages that have significant administrative, legal and/or fiscal value and are scheduled as permanent also should be categorized under the appropriate record series. These may include, but are not limited to:

- A. Executive Correspondence: Correspondence dealing with significant aspects of the administration of executive offices. Correspondence includes information concerning policies, program, fiscal and personnel matters.

Retention: 2 years, then transfer to State Archives

- B. Departmental Policies and Procedures: Includes published reports, unpublished substantive reports and policy studies.

Retention: Retain until superseded, obsolete or replaced, then transfer to State Archives for their possible retention and destruction

Social Media Content

Social media content that meets the definition of a record as defined by State law is an official record of the District and must be scheduled, retained and disposed of as such. The District will work with stakeholders to determine the appropriate method for preserving content created through the use of social media. When determining whether social media content must be retained, the District will:

- 1. Look beyond the electronic social medium and analyze the content to determine if the information meets the definition of a record as defined by State law that must be managed and kept in accordance with retention schedules.**
- 2. Determine whether the information or social media content is duplicated elsewhere:**
 - A. If the content or information is duplicated elsewhere, then the social media version will be considered a secondary copy and will not need to be maintained in accordance with the records retention schedule.**
 - B. When the official record becomes eligible for disposal, duplicate content maintained on social media will also be purged.**

- 3. Whenever possible, the District will make an effort to map the information value of the social media content to existing records retention schedules. If content is determined to have record value and cannot be mapped to an existing schedule, a new retention schedule will be created and approved.**

(Approval date:)

NOTE: The information in this regulation is based on guidance from the Ohio Electronic Records Commission. The guidelines for length of time that emails should be retained may vary from your local records retention schedule. Prior to approval of this regulation, confirm that the timelines in this regulation are the same as the timelines in your approved records retention schedule. You may choose to remove the specific time frames listed from this regulation and leave this information in your records retention schedule.

PERSONNEL RECORDS

The Superintendent develops and implements a comprehensive and efficient system of personnel records. The Superintendent/Designee is hereby designated as the employee directly responsible for the personnel records system. The following guidelines govern such records.

1. Personnel files contain records and information relative to compensation, payroll deductions, evaluations and such information as may be required by State or Federal law or considered pertinent by the Superintendent. Anonymous material or material from an unidentified source are not placed in a staff member's file.
2. A personnel file for each employee is accurately maintained in the District office in accordance with administrative regulations incorporating the requirements set forth under the Ohio Privacy Act for the protection of employees. Employees will be notified whenever personal information concerning them is placed in their file.
3. State law requires that all public records be promptly prepared and made available for inspection to any member of the general public at all reasonable times during regular business hours. Upon request, the person directly responsible for personnel records is required to make copies available at cost, within a reasonable period of time.
4. The public has access to all records in the personnel file with the following exceptions:
 - A. medical records;
 - B. records pertaining to adoption, probation or parole proceedings;
 - C. trial preparation records;
 - D. confidential law enforcement investigatory records;
 - E. Social Security number and
 - F. records of which the release is prohibited by State or Federal law.

Additional exceptions are listed in Ohio Revised Code Section 149.43.

5. The District is required to keep reports of investigations of employee misconduct in the employee's personnel file, unless the State Superintendent of Public Instruction or his/her designee determines that the report does not warrant taking action against the employee. If the State Superintendent of Public Instruction or his/her designee determines no action is warranted, the investigation report must be moved from the employee's personnel file to a separate public file.

6. Each employee has the right, upon written request, to review the contents of his/her own personnel file. If a document is not disclosed to the employee because it is determined by a physician, psychiatrist or psychologist to be likely to have an adverse effect upon the employee, the document will be released to the designated medical authority. Requests are made to the Superintendent and scheduled for a time convenient for the parties involved.
7. Employees may make written objections to any information contained in the file. Any written objection must be signed by the staff member and becomes part of the employee's personnel file after the appeal procedure outlined in State law. The appeal procedure permits any employee who disputes the accuracy, relevance, timeliness or completeness of information maintained in his/her file to compel the District to investigate the current status of the information.
8. Personnel records should be reviewed only within the confines of the Superintendent's office or the Board's office.

[Adoption date:]

LEGAL REFS.: Genetic Information Nondiscrimination Act of 2008; 42 USC 2000ff et seq.
ORC 9.01; 9.35
149.011; 149.41; 149.43
1347.01 et seq.
3317.061
3319.311; 3319.314
4113.23

CROSS REFS.: **EHA, Data and Records Retention**
KBA, Public's Right to Know
~~EHA, Data and Records Retention~~

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

NOTE: THIS IS A REQUIRED POLICY

CRIMINAL RECORDS CHECK

The Board shall request from the Superintendent of the Bureau of Criminal ~~Identification and~~ Investigation (BCII) criminal records checks of all candidates under final consideration for employment or appointment in the District. The BCII criminal records checks include information from the Federal Bureau of Investigation (FBI), **unless the individual can demonstrate that he/she has been a resident of the state for the preceding five years and has previously been subject to a BCI check, in which case only a FBI check is required.**

The Board may employ persons on the condition that the candidate submit to and pass a BCII criminal records check in accordance with State law. Any person conditionally hired who fails to pass a BCII criminal records check is released from employment. Applicants are given a separate written statement informing them that the Board uses a criminal records check as part of the initial hiring process and at various times during the employment career. This notice must be on a separate document that only contains this notice. The applicant's written authorization to obtain the criminal records check will be obtained prior to obtaining the criminal records check.

Prior to taking an adverse action against an applicant or employee (such as declining to employ, reassigning an employee, denying a promotion, suspension, nonrenewal or termination) based in whole or in part on a criminal records check, the applicant or employee is given a written pre-adverse action disclosure statement that includes a copy of the criminal records check and the Federal Trade Commission's notice titled "A Summary of Your Rights Under the Fair Credit Reporting Act."

After taking an adverse action, the applicant or employee is given a written adverse action notice that includes the name, address and telephone number of the BCII, a statement that the BCII did not make the decision to take the adverse action and cannot give specific reasons for it, the individual's right to dispute the accuracy or completeness of any information furnished by the BCII and the individual's right to an additional free criminal records check from the BCII upon request within 60 days.

An applicant for employment may provide a certified copy of a BCII criminal records check to the District in compliance with State law. The District may accept this criminal records check in place of its own records check if the date of acceptance by the District is within one year after the date of issuance by the BCII.

State law requires subsequent criminal records checks every five years for all school employees except bus drivers. For currently employed bus drivers, a new report is required every six years.

Any and all information obtained by the Board or persons under this policy is confidential and shall not be released or disseminated. Criminal records checks are not public records for purposes of the Public Records Law. Any applicant not hired because of information received from the records check shall be assured that all records pertaining to such information are destroyed.

Volunteers

The District notifies current and prospective volunteers who have or will have unsupervised access to students on a regular basis that a criminal records check may be conducted at any time.

Contractors

Criminal records checks are required for contractors who meet the following four criteria: (1) the contractor is an employee of a private company under contract with the District to provide “essential school services”; (2) the contractor works in a position involving routine interaction with a child or regular responsibility for the care, custody or control of a child; (3) the contractor is not licensed by ODE and (4) the contractor is not a bus driver.

[Adoption date:]

LEGAL REFS.: Fair Credit Reporting Act; 15 USC 1681 et seq.

ORC 109.57; 109.572; 109.575: 109.576
2953.32
3301.074
3314.19; 3314.41
3319.088; 3319.089; 3319.22; 3319.222; 3319.29; 3319.291
3319.303; 3319.311; 3319.313; 3319.315; 3319.39;
3319.391; 3319.392
3327.10
OAC ~~3301-27-01~~
3301-83-06

CROSS REFS.: EEAC, School Bus Safety Program

GBL, Personnel Records
GCBB, Professional Staff Supplemental Contracts
GCD, Professional Staff Hiring
GCPD, Suspension and Termination of Professional Staff Members
GDBB, Support Staff Pupil Activity Contracts
GDD, Support Staff Hiring
GDPD, Suspension, Demotion and Termination of Support Staff Members
IIC, Community Instructional Resources (Also KF)
IICC, School Volunteers
KBA, Public’s Right to Know
LEA, Student Teaching and Internships

NOTE: School districts must initiate the five-year cycle by requesting criminal records checks by September 5, 2008. State law identifies a number of individuals to submit to criminal records checks for initial and renewal of licenses, certificates or permits; and every five years if holding an eight-year professional teaching certificate or permanent teaching certificate. These individuals are persons with professional educator licenses, teachers' certificates, educational aid permits, educational paraprofessional licenses, conditional teaching permits for those seeking alternative educator licenses, intervention specialists, treasurers, business managers and those with pupil activity program permits who do not have valid educator licenses, certificates or permits.

With respect to contractors, "essential school services" are those services that are provided by a private company under a contract with the District that the District's Superintendent has determined are necessary for the operation of the District and that would need to be provided by employees of the District if the services were not provided by the private company.

If a contractor meets the definition and is covered by State law, the District may not allow that contractor to work in the District unless the contractor's employer provides documentation of a criminal records check or the District adopts certain safety measures to safeguard students. The contractor's employer may provide proof that the person has (1) been subject to a criminal records check in the five years prior to the date for the proposed work and (2) the criminal records check indicates they have not been convicted of or pleaded guilty to any offense listed in Ohio Revised Code Section 3319.39(B)(1). Instead of a criminal records check for a contractor who meets the definitions above, the District may require an employee of the District to be present in the same room with the child or within a 30-yard radius of the child if they are outside.

THIS IS A REQUIRED POLICY

FAMILY AND MEDICAL LEAVE

The Board provides leave to eligible employees consistent with the Family Medical Leave Act (FMLA). Eligible employees are entitled to up to 12 workweeks (or 26 workweeks to care for a covered servicemember) of unpaid family and medical leave in ~~any~~ a 12-month period. The Board continues to pay the District's share of the employee's health benefits during the leave. In addition, the District ~~restores~~ **reinstates** the employee to the same or a **an equivalent similar** position after the **employee's return from** ~~termination of the~~ leave. ~~in accordance with Board policy.~~

In complying with the FMLA, the District adheres to the requirements of applicable State and Federal law.

Additional information is contained in the regulations, which follow this policy.

[Adoption date:]

LEGAL REFS.: Family and Medical Leave Act of 1993; 29 USC 2601 et seq.; 29 CFR Part 825
Genetic Information Nondiscrimination Act of 2008; 42 USC 2000ff et seq.
ORC 124.38 (for city school districts only)
~~3319.08; 3319.13; 3319.131; 3319.14; 3319.141~~

CROSS REFS.: GCBD, Professional Staff Leaves and Absences
GDBD, Support Staff Leaves and Absences

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

NOTE: Genetic information acquired in relation to FMLA and its certification process falls into an exception to the prohibition against acquisition of genetic information under the Genetic Information Nondiscrimination Act of 2008. Although acquisition of genetic information is not prohibited in this instance, employers are still prohibited from discriminating based on such genetic information.

THIS IS A REQUIRED POLICY

FAMILY AND MEDICAL LEAVE

Eligibility

An employee who has worked for the District for at least 12 months ~~is eligible for 12 workweeks of FMLA leave during a 12-month period, provided the employee~~ **and who has** worked at least 1,250 hours in the 12 months preceding the beginning of the leave **is eligible for leave under the Family and Medical Leave Act (FMLA). The 12 months an employee must have been employed by the District do not need to be consecutive months. The 1,250 hours of service do not include vacation leave, sick leave, holidays or other paid leaves of absences. However, an employee returning from fulfilling his/her Uniformed Services Employment and Reemployment Rights Act (USERRA) covered service obligation shall be credited with the hours of service that would have been performed but for the period of military service in determining whether the employee worked the 1,250 hours of service. An employee may be eligible for 26 workweeks of FMLA leave during a 12-month period to care for a covered servicemember with a serious injury or illness.**

Leave Entitlement

An eligible employee is allowed to take up to 12 workweeks of leave during a 12-month period. The District has chosen the following method to determine the 12-month period in which the 12 workweeks of leave entitlement occurs:

the 12-month period measured forward from the date any employee's first FMLA leave begins

An employee may be eligible for 26 workweeks of FMLA leave during a **single** 12-month period to care for a covered servicemember with a serious injury or illness. **The District will determine the "single 12-month period" using the 12-month period measured forward from the date an employee's first FMLA leave to care for the covered servicemember begins.**

Types of Leave

An eligible employee may take FMLA leave for the following purposes:

1. birth and care of a newborn child;
2. placement with an employee of a son or daughter for adoption or foster care;
3. care for a spouse, child, **or** parent with a serious health condition. An employee may not take FMLA leave to care for a parent-in-law;
4. recovery from a serious health condition that keeps the employee from performing the essential functions of his/her job;
5. to respond to a “qualifying exigency” that arises because a spouse, child or parent is a **military member** on covered active duty or ~~has been called to covered active duty as a member of the Armed Forces or~~
6. to care for a **covered servicemember with a serious injury or illness if the employee is the spouse, child, son, daughter,** parent or next of kin **of the covered servicemember.** ~~who is or was a member of the Armed Forces and who is currently undergoing medical treatment, recuperation or therapy for either a serious illness or injury that was incurred in the line of duty or for a serious illness or injury that existed before the beginning of active duty and was aggravated by service in the line of duty. In order to be eligible, veterans must have been members of the Armed Forces within five years of receiving such treatment.~~

The District requires eligible employees to use any accrued and unused paid vacation, personal or sick leave concurrently with unpaid FMLA leave.

~~An employee may elect, or the Board may require an employee, to use accrued paid vacation, personal or sick leave for purposes of a family leave. An employer cannot compel an employee to use, **nor may an employee elect to use,** accrued medical/sick leave in any situation for which the leave could not normally be used.~~

Spouses Employed by the District

If a husband and wife eligible for leave are **both** employed by the District, their combined amount of leave for birth, adoption, foster care placement and parental illness may be limited to 12 weeks. If a husband and wife eligible for leave are employed by the District, their combined amount of leave to care for a covered servicemember is limited to 26 weeks.

Intermittent and Reduced Leave

FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. Intermittent leave is leave taken in separate blocks of time due to a single ~~illness or injury~~ **qualifying reason**.

Reduced leave is a leave schedule that reduces the employee's usual number of hours per workweek or hours per workday.

Intermittent or reduced leave is available for the employee's own serious health condition; to care for a ~~seriously ill spouse, child or parent~~, **son or daughter with a serious health condition**; to care for a covered servicemember's serious injury or illness or for leave taken due to a qualifying exigency. Such leave may be used for the birth or adoption/placement of a child only if the Board agrees.

If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the employer's operations.

~~The Board may provide such leave for medical purposes, but the~~ **If the employee needs intermittent leave or leave on a reduced schedule that is foreseeable, the Superintendent may require the employee to temporarily transfer the employee to a position, during the period that the intermittent or reduced leave schedule is required to an available position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position.** ~~is equivalent, but more suitable for intermittent periods of leave. The employee must furnish the Board with the expected dates of the planned medical treatment and the duration of the treatment. The Superintendent must authorize such leave in writing.~~

If an eligible instructional employee (i.e., those whose principal function is to teach and instruct students in a class, a small group or an individual setting) needs intermittent leave or leave on a reduced leave schedule due to foreseeable medical treatments, and the employee would be on leave for more than 20% of the total number of working days over the period the leave would extend, the District may require the employee either to:

- 1. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment or**
- 2. transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.**

Benefits

The Board maintains the employee's health coverage under the group health insurance plan during the period of FMLA leave **on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period.** Prior to the beginning of the FMLA leave, the employee should make arrangements with the Treasurer to pay the employee's share of health insurance. (e.g., family coverage).

~~The employee will not lose any other employment benefit accrued prior to the date on which leave began but is not entitled to accrue seniority or employment benefits during the unpaid leave period. Employment benefits could include group life insurance, sick leave, annual leave, educational benefits and pensions.~~ **An employee may, but is not entitled to, accrue any additional benefits or seniority during unpaid FMLA leave. Benefits accrued at the time leave began (e.g., paid vacation, sick or personal leave to the extent not substituted for unpaid FMLA leave), however, must be available to an employee upon return from leave.**

The Board is entitled to recover health care premiums paid during the leave if the employee fails to return from leave. Recovery cannot occur if the employee fails to return because of the continuation, recurrence or onset of a serious health condition or due to circumstances beyond the control of the employee.

Notice

When the FMLA leave is foreseeable, the employee must notify the Superintendent ~~of his/her request for leave~~ at least 30 days prior to the date when the leave is to begin. If the leave is not foreseeable, the employee must give notice as early as is practical. ~~When the employee requests pre-scheduled medical leave, the employee must make reasonable attempts to schedule treatment so as not to disrupt the District's operations.~~ **An employee shall provide at least verbal notice sufficient to make the District aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave.**

The Board may deny the leave if the employee does not meet the notice requirements.

Certification

The Board may require the employee to provide **a complete and sufficient** certification from a health care provider containing specific information ~~required under the law~~ if he/she requests a medical leave. If there is a question concerning the validity of such certification, a second and, if necessary, a third opinion can be required, both at the expense of the District.

Upon the employee's return to work **from FMLA leave occasioned by the employee's own serious health condition**, the Board requires that the employee present a fitness statement from the employee's health care provider certifying that the employee is able to return to work.

Restoration Reinstatement

When the employee returns from the leave, the Board ~~restores~~ **reinstates** the employee to the same or an equivalent position with equivalent benefits, pay, terms and conditions of employment. ~~in accordance with Board policy.~~ **An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.**

~~Under certain circumstances, the Board may deny restoration to a key employee. The Board complies with the notice requirements of the FMLA in denying restoration. A key employee is one who is among the highest paid 10% of the employees and whose absence would cause the District to experience a substantial and grievous economic injury.~~

Instructional Employees

Special leave rules apply to instructional employees. Instructional employees are those employees whose principal function is to teach and instruct students in a small group, or in an individual setting. This term includes teachers, athletic coaches, driving instructors and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists or curriculum specialists. It also does not include cafeteria workers, maintenance workers or bus drivers.

~~Limitations apply to instructional employees who take intermittent or reduced leave. If the leave requested is:~~

- ~~1. to care for a family member, to care for a covered servicemember or for the employee's own serious health condition;~~
- ~~2. foreseeable based on planned medical treatment and~~

- ~~3. the employee would be on leave for more than 20% of the total number of working days over the period the leave would extend.~~

~~The Board then may require the employee to choose either to:~~

- ~~1. take the leave for a period or periods of a particular duration, not greater than the planned treatment or~~
- ~~2. transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring periods of leave than does the employee's regular position.~~

The following limitations also apply to instructional employees who take leave near the end of a semester for purposes other than the employee's own serious health condition.

1. When an instructional employee begins leave more than five weeks before the end of a semester, the Board may require the employee to continue taking leave until the end of the semester if the leave will last at least three weeks and the employee would return to work during the three-week period before the end of the semester.
2. When an instructional employee begins leave less than five weeks before the end of a semester, the Board may require the employee to continue taking leave until the end of the semester if the leave will last more than two weeks and the employee would return to work during the two-week period before the end of the semester.
3. When an instructional employee begins leave less than three weeks before the end of a semester and the leave lasts more than five working days, the Board may require the employee to continue taking leave until the end of the semester.

In all cases, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. Any additional leave required by the Board is not counted as FMLA leave. However, the Board is required to maintain the employee's group health insurance and restore the employee to the same or equivalent job upon the conclusion of the leave.

Failure to Return

~~The Board is entitled to recover health care premiums paid during the leave if the employee fails to return from leave. Recovery cannot occur if the employee fails to return because of the continuation, recurrence or onset of a serious health condition or due to circumstances beyond the control of the employee.~~

(Approval date:)

NOTE: THIS IS A REQUIRED REGULATION

PROFESSIONAL STAFF CONTRACTS AND COMPENSATION PLANS
(Administrators)

Fair compensation plans are necessary in order to attract and hold highly qualified administrators to provide and manage a quality educational program.

The Board may establish a salary schedule for its administrators, with the exception that the salary of the Superintendent is usually determined by the employee contract. Notice of annual salary is given to each administrator by July 1.

All administrators shall be issued written limited contracts. The contract specifies the administrative position and duties, the salary and other compensation to be paid for performance of such duties, the number of days to be worked, the number of days of vacation leave and any paid holidays in the contractual year.

The term of the administrator's contract will not exceed three years, except that an individual who has been employed as an administrator for three years or more shall be entitled to receive a contract of not fewer than two nor more than five years. The Superintendent may recommend employment of an individual who has served as an administrator in the District for three years or more under a one-year administrative contract once during such individual's administrative career in the District.

An administrator who has earned teacher tenure in the District retains such status while serving as administrator. Any administrator who previously obtained teacher tenure in another district achieves teacher tenure in the District after re-employment with two or more years' experience as an administrator in the District.

The Superintendent's recommendation is considered in all contract renewals. All administrators are evaluated annually. In the year an administrator's contract does not expire, the evaluation is completed by July 31 and a **written** copy is given to the administrator **no later than the end of the administrator's contract year as defined by his/her salary notice.**

In the year an administrator's contract does expire, two evaluations are completed: one preliminary and one final. The preliminary evaluation is conducted at least 60 days prior to ~~March 31 and prior to~~ any Board action on the employee's contract, ~~and~~ **A** written copy of the preliminary evaluation is given to the administrator at this time.

The final evaluation includes the Superintendent's intended recommendation for the **employee's** contract. ~~of the employee.~~ A written copy of the final evaluation must be provided to the employee at least five days prior to the Board's action to renew or nonrenew the employee's contract. If the Board fails to take action on the expiring contract, then the administrator is renewed. If the administrator has been in the District for two years or less, he/she will receive a one-year contract. If the administrator has been in the District three years or more, he/she will receive a two-year contract.

Before ~~March 31~~ **June 1**, any administrator whose contract expires at the end of the school year is notified by the Board of the date on which the contract expires and of the individual's right to request a meeting with the Board in executive session to discuss the reasons for considering renewal or nonrenewal of his/her contract. Also prior to ~~March 31~~ **June 1** of the year in which the **employment** contract of ~~employment~~ expires, any administrator whom the Board intends to nonrenew receives written notification of the Board's intent not to re-employ.

The Board may request an alternative administrative license valid for employing a superintendent or any other administrator, consistent with State law.

[Adoption date:]

LEGAL REFS.: ORC 3319.01; 3319.02; 3319.111; 3319.12; 3319.225; 3319.27
4117.01
OAC 3301-24-11; 3301-24-12

CROSS REFS.: GCBA, Professional Staff Salary Schedules
GCBB, Professional Staff Supplemental Contracts
GCBC, Professional Staff Fringe Benefits
GCBD, Professional Staff Leaves and Absences
GCBE, Professional Staff Vacations and Holidays

PROFESSIONAL STAFF CONTRACTS AND COMPENSATION PLANS
(Administrators)

The Board may request that the State Department of Education issue an alternative administrative license valid for employing a principal, superintendent or other administrative specialist as specified by the Board.

The State Department of Education may issue a one-year alternative principal license, valid for serving as principal or assistant principal, or a two-year alternative superintendent or administrative specialist license at the request of the District. The individual must:

1. be of good moral character;
2. submit to a BCH background check;
3. have a bachelor's degree (for principals and administrative specialists) or a master's degree (for superintendents) and a grade-point average of at least 3.0 and
4. have two or more years of teaching experience or five years of documented successful work experience in education, management or administration (for principals) or five or more years of documented successful experience in teaching, education, management or administration (for administrative specialists and superintendents).

The District provides a mentoring program for alternatively licensed administrators compliant with State law.

For non-educators issued an alternative principal license, the District develops and implements a planned program for obtaining classroom-teaching experience. For non-educators issued an alternative administrative specialist or superintendent license, the District develops and implements a plan that outlines observation or classroom instruction across grade levels and subject areas.

(Approval date:)

NOTE: The State Board of Education adopted requirements for alternative licensure to ensure that qualified individuals have increasing opportunities to become school administrators through alternative routes. The law ensures that alternative routes are standards-based and high quality. Alternative administrative licenses eliminate temporary licenses.

Alternative administrator licenses are available to individuals for whom their employing district has a Board resolution supporting their position. There are currently two pilot programs assisting alternatively licensed administrators gain licensure. They are operated through the Ohio Hamilton County Educational Service Center and Bowling Green State University.

SCHOOL ADMISSION

The District provides free education to District residents between the ages of five through 21 who do not possess a diploma. Students who do not legally qualify as residents may be required to pay tuition as established by law and Board policy.

A student is considered a resident of the District if he/she resides with a parent, a grandparent with either power of attorney or caretaker authorization affidavit or a person or government agency with legal custody whose place of residence is within the boundaries of the District. **Parents, and grandparents with either power of attorney or caretaker authorization affidavit,** may be required to present legal proofs of residence.

New entrants at all grade levels are required to present at the time of enrollment a birth certificate or other document as evidence of birth, a certified copy of any child custody order or decree, proof of having received or being in the process of receiving required immunizations and copies of those records pertaining to him/her which are maintained by the school most recently attended.

In addition, students released from the Department of Youth Services (DYS), just prior to requesting admission to the District, may not be admitted until the Superintendent has received all required documents provided by DHS. Forwarded documents are:

1. an updated copy of the student's transcript;
2. a report of the student's behavior in school while in DHS custody;
3. the student's current Individualized Education Program (IEP), if developed, and
4. a summary of the institutional record of the student's behavior.

DYS has 14 days to send the documents to the Superintendent.

[Adoption date:]

LEGAL REFS.: ORC 2151.33;
2152.18(D)(4)
3109.52; **through 3109.6153**; 3109.65; **through 3109.676**;
3109.78; 3109.79; 3109.80
3313.48; 3313.64; 3313.67; 3313.671; 3313.672
3317.08
3321.01
OAC 3301-35-04(F)

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

NOTE: Use this category for statements covering all school admissions. Statements on exceptions to general residency requirements, tuition charges for nonresident students, admission of students from neighboring districts on a transfer basis, etc., should be filed under the appropriate subcategory of code JEC.

For purposes of determining a student's "residence," the term "parent" is defined by law as "... either parent, unless the parents are separated or divorced, in which case 'parent' means the parent with legal custody of the child. If neither parent has legal custody of the child, 'parent' means the person or agency with legal custody or permanent custody..." See policy JECB, Admission of Nonresident Students, for related statements.

ADMISSION OF NONRESIDENT STUDENTS

In order to be eligible for a free public education in the District's schools, a student must be the child of a resident of the District **or reside with a grandparent with either power of attorney or caretaker authorization affidavit**. If legal or permanent custody or legal guardianship of the student has been granted by a court to a resident of the District or a government agency within the District, the student is entitled to attend District schools and tuition is paid in compliance with State law.

In compliance with State law and Board policy, nonresident students are exempt from paying tuition when:

1. an adult resident of the District submits a sworn statement that he/she has begun legal custody proceedings for the student (maximum 60 days permitted);
2. the student is at least 18 but not yet 22 years of age and resides in the District, lives apart from his/her parent(s), supports himself/herself by his/her own labor and does not possess a high school diploma;
3. the student is under 18 years of age, resides in the District and is married, regardless of the residence of the parent(s);
4. the student has a medical condition, which may require emergency attention and his/her parent is employed in the District;
(The parent(s) of such child must submit to the Board a statement from the child's physician certifying that the child's medical condition may require emergency medical attention.)
5. the student resides with a person other than his/her parent(s) and such student has a parent serving outside Ohio in the U.S. Armed Services;
(The student's parent(s) must file an affidavit with the Superintendent stating (1) that the parent is serving outside the state in the U.S. Armed Services, (2) that the parent intends to reside in the District upon returning to the state, and (3) the name and address of the person with whom the student is living while the parent is outside the state. This tuition exemption may be granted only for a period of up to 12 months.)

6. the student resides with a parent who is planning to either have a home built or has purchased a home in the District and is waiting for the closing date of the mortgage loan;
(The student's parent(s) must provide the Superintendent with a sworn statement revealing the location of the house and the parent(s)' intention to reside there. The parent(s) must also provide a statement from a homebuilder, real estate broker or bank officer confirming that the house construction is planned or is awaiting approval of the mortgage loan. The period for tuition-free attendance in these cases may extend up to 90 days.)
7. the student's parent is a full-time employee of the District;
(Any such policy shall take effect on the first day of the school year and the effective date of any amendment or repeal may not be prior to the first day of the subsequent school year. The policy shall be uniformly applied to all such children and shall provide for the admission of any such student upon request of the parent(s). No student may be admitted under this policy after the first day of classes of any school year.)
8. the student resides with his/her parent(s) under the care of a shelter for victims of domestic violence;
9. the student is not a resident of the District, does not require special education and resides with his/her grandparent(s), provided that the Board and the board of education of the district in which the student's parent(s) reside enter into a written agreement showing good cause for the student to be admitted to the District;
(The grandparent(s) are required to sign all consent forms required by the District, even if the student would remain in the legal custody of the parent(s).)
10. the student is under the age of 22 and his/her parent(s) moved from the District, but within the county, after the first full week of October, for the remainder of the school year;
11. the student is under the age of 22 and his/her parent(s) moved from the District following the commencement of classes during the student's senior year, for the remainder of the school year and for one additional semester;
12. the student is under the age of 22 and resides in a new school district because of the death of a parent;
(The student is entitled to finish the current school year in the District upon approval of the Board.)

13. the student is under the age of 22 and the superintendent of the district in which the student is entitled to attend (the student's district of origin) enters into a contract with the Superintendent of this District (the district into which the student wishes to enroll) consenting to the attendance of the student in this District or
(The Superintendent of this District specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the Superintendent.)
14. the student whose parent is a full-time employee of an educational service center may be admitted tuition free to the schools of the district where the parent's job is primarily located, pursuant to the admission policy of that district.

The Board does not waive the payment of tuition, except:

1. when agreements have been established with other boards of education to serve their students in career-technical or special education classes on a cooperative basis, as permitted by law;
2. when foreign exchange students, sponsored under an approved exchange program, reside in the District temporarily or
3. for adult residents or support staff employees of the District who meet the criteria established by the Board.

In all cases, specific Board permission to waive tuition must be obtained for each individual case.

The District may temporarily deny admittance to any student who otherwise may be admitted to the District, if the student has been expelled from the schools of another district and if the period of expulsion has not expired. The student and parent(s) will have an opportunity for a hearing before the Superintendent/designee to determine the admittance or nonadmittance of the student.

Tuition Students

Applications from nonresidents to attend the schools on a tuition basis may be considered if space is available. The amount of tuition is set annually by the State, based on a per-student cost determined in compliance with State law. Nonresident students must provide all records required of resident students in compliance with State law.

[Adoption date:]

LEGAL REFS.: ORC 2152.18(D)(4)
3109.52; 3109.53; 3109.65; 3109.66
3109.52 through 3109.61; 3109.65 through 3109.76;
3109.78; 3109.79; 3109.80
3311.211
3313.64; 3313.644; 3313.645; 3313.65; 3313.672; 3313.90
3317.08
3319.01
3323.04
3327.04; 3327.06
OAC 3301-35-04
3301-42-01

CROSS REFS.: **JEC, School Admission**
JECOA, Admission of Homeless Students
JECBA, Admission of Exchange Students
JECBB, Admission of Interdistrict Transfer Students
JO, Student Records

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

NOTE: THIS IS A REQUIRED POLICY

STUDENT RECORDS

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

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

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

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

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

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

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

The following rights exist:

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

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

1. student's name
2. student's address
3. telephone number(s)
4. student's date and place of birth
5. participation in officially recognized activities and sports
6. student's achievement awards or honors
7. student's weight and height, if a member of an athletic team
8. major field of study
9. dates of attendance ("from and to" dates of enrollment)
10. date of graduation

The above information is disclosed without prior written consent, except when the request is for a profit-making plan or activity **or when the parent/eligible student has informed the Board that any or all such information should not be released without their prior written consent.** ~~Student records that consist of “personally identifiable information” generally are exempt from disclosure. Student directory information, however, is released unless the parents have affirmatively withdrawn their consent to release in writing.~~

Administrative regulations set forth a procedure for annual notification to parents and eligible students of the District’s definition of directory information. Parents or eligible students then have two weeks in which to advise the District **in writing**, in accordance with such regulations, of any or all items which they refuse to permit as directory information about that student.

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

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

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

[Adoption date:]

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

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

NOTE: Regulations concerning the content of information retained during the student's term of schooling, after the student exits the school and in response to request for transcripts, should be developed in compliance with law and strictly adhered to.

The definitions of "directory information" differ in State and Federal law. This policy reflects the more restrictive definition found in State law. The District may further limit the information contained in that definition.

THIS IS A REQUIRED POLICY

STUDENT RECORDS

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

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

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

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

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

Dates of attendance—means the period of time during which a student attends or attended an educational agency or institution. Examples of dates of attendance include an academic year, a spring semester or a first quarter. The term does not include specific daily records of a student's attendance at an educational agency or institution.

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

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

Personally Identifiable Information — any data or information which makes the subject of a record known, including the student's name, the student's or student's family's address, the name of the student's parent or other family members, a personal identifier such as a student's Social Security number or a biometric record, other indirect identifiers, such as the student's date of birth, place of birth or 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.

ANNUAL NOTIFICATION

Within the first three weeks of each school year, the District publishes in a notice to parents and eligible students their rights under State and Federal law and under this policy. The District also sends home with each student a bulletin listing these rights; the bulletin is included with a packet of material provided to parents or eligible students when the students enroll during the school year.

The notice includes:

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

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

LOCATIONS OF EDUCATION RECORDS

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

PROCEDURE TO INSPECT EDUCATION RECORDS

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

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

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

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

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

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

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

FEES FOR COPIES OF RECORDS

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

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

1. when the refusal to provide copies effectively denies access to a parent(s) or eligible student;
2. at the request of the parent(s) or eligible student when the District has provided the records to third parties by the prior consent of the parent(s) or eligible student or

3. at the request of the parent(s) or eligible student when the District has forwarded the records to another district in which the student seeks or intends to enroll.

The fee for copies provided under Federal law may not include the costs for search and retrieval. This fee is __ per page (actual copying cost less hardship factor).

The fee for all other copies such as copies of records forwarded to third parties with prior consent or those provided to parents as a convenience is 10 cents per page (actual search, retrieval copying cost and postage, if any).

DIRECTORY INFORMATION

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

1. student's name
2. student's address
3. telephone number(s)
4. student's date and place of birth
5. participation in officially recognized activities and sports
6. student's achievement awards or honors
7. student's weight and height, if a member of an athletic team
8. major field of study
9. dates of attendance ("from and to" dates of enrollment)
10. date of graduation

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

After the parents or eligible students have been notified, they have two weeks in which to advise the District in writing (a letter to the Superintendent's office) of any or all of the items which they refuse to permit the District to designate as directory information about that student.

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

USE OF STUDENT EDUCATION RECORDS

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

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

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

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

NOTE: The District must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. A District that does not use physical or technological access controls to records must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with the legitimate educational interest requirement.

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

1. when students seek or intend to enroll in another school district or a postsecondary school. The District makes reasonable attempts to notify the parent or eligible student at their last known address unless the disclosure is initiated by the parent or eligible student or unless the District's annual notification includes notice that the District forwards education records to other education entities that request records in connection with a student's transfer or enrollment. Upon request, the District provides copies of the records and an opportunity for a hearing (upon the condition that the student's parents be notified of the transfer, receive a copy of the record and have an opportunity for a hearing to challenge the content of the record);
2. when certain federal and state officials need information in order to audit or enforce legal conditions related to federally supported education programs in the District;
3. when parties who provide, or may provide, financial aid for which a student has applied or received, need the information to:
 - A. establish the student's eligibility for the aid;
 - B. determine the amount of financial aid;

- C. establish the conditions for the receipt of the financial aid or
 - D. enforce the agreement between the provider and the receiver of financial aid;
4. if a State law adopted before November 19, 1974, required certain specific items of information to be disclosed in personally identifiable form from student records to state or local officials;
 5. when the District has entered into a written agreement or contract for an organization to conduct studies on the District's behalf to develop tests, administer student aid or improve instruction;
 6. when accrediting organizations need those records to carry out their accrediting functions;
 7. when parents of eligible students claim the student as a dependent;
 8. when it is necessary to comply with a judicial order or lawfully issued subpoena; the District makes a reasonable effort to notify the student's parent(s) or the eligible student before making a disclosure under this provision, **except when a parent is party to a court proceeding involving child abuse or neglect or dependency, and the order is issued in the context of that proceeding;**
 9. if the disclosure is an item of directory information and the student's parent(s) or the eligible student has not refused to allow the District to designate that item as directory information for that student;
 10. the disclosure is in connection with a health and safety emergency; ~~and~~
 11. the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the educational agency or institution under 42 U.S.C. 14071 and applicable federal guidelines; **and**
 12. **to an agency caseworker or other representative of a state or local child welfare agency, when the agency is legally responsible for the care and protection of the child. Information obtained will not be disclosed by the agency to any other agency or individual, unless they are engaged in addressing the education needs of the child and authorized by the agency to have access and the disclosure is consistent with the State laws applicable to protecting the confidentiality of the student's education records.**

The District discloses personally identifiable information from an education record to appropriate parties, including parents, in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

When deciding whether to release personally identifiable information in a health or safety emergency, the District may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the District determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

The District records the following information when it discloses personally identifiable information from education records under the health or safety emergency exception:

1. the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure and
2. parties to whom the District disclosed the information.

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

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

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

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

The District uses reasonable methods to identify and authenticate the identity of parents, students, school officials and any other parties to whom the agency or institution discloses personally identifiable information from education records. The student's parent(s) or the eligible student may obtain a copy of any records disclosed under this provision.

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

RECORDS OF REQUESTS FOR ACCESS AND DISCLOSURES MADE FROM EDUCATION RECORDS

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

The record includes:

1. the name of the person who or agency which made the request;
2. the interest which the person or agency has in the information;
3. the date on which the person or agency made the request;
4. whether the request was granted and, if it was, the date access was permitted or the disclosure was made and
5. in the event of a health and safety emergency, the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure and the parties to whom the agency or institution disclosed the information.

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

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

PROCEDURES TO SEEK TO CORRECT EDUCATION RECORDS

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

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

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

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

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

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

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

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

The request is dated and signed by the requester.

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

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

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

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

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

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

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

1. the District's decision that the records are correct and the basis for the decision;
2. a notice to the requester that he/she has a right to ask for a hearing to present evidence that the records are incorrect and that the District grants such a hearing;
3. advice that the requester may be represented or assisted in the hearing by other parties, including an attorney at the requester's expense and

4. instructions for the requester to contact the Superintendent or his/her designee to discuss acceptable hearing officers, convenient times and a satisfactory site for the hearing. (The District is not bound by the requester's positions on these items but may, as far as feasible, arrange the hearing as the requester wishes.)

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

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

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

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

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

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

(Approval date:)

PUBLIC'S RIGHT TO KNOW

The Board supports the right of the people to know about the programs and services of their schools and makes efforts to disseminate appropriate information. Each building principal is authorized and expected to keep the school's community informed about the school's programs and activities. The release of information of Districtwide interest is coordinated by the Superintendent.

Business of the Board is discussed and decisions are made at public meetings of the Board, except such matters required to be discussed in private executive sessions.

The official minutes of the Board, its written policies, its financial records and all other public records are open for inspection in the central office during the hours when the administrative offices are open.

Each Board member attends public records training every term for which he/she is elected to public office. However, the Board may, by resolution, designate one or more persons to attend public records training on its behalf. If so decided, the Board appoints a designee whenever the composition of the Board changes.

The District may ask that the identity of an individual requesting information and the reason the information is sought be in writing. The District first informs the requester that such disclosure is not mandatory, unless the request is for student directory information. The District also informs the requester that providing such information in writing enhances the District's ability to identify, locate or deliver the records sought. The District may also ask that the request be put in writing, but notifies the requester that it is not mandatory to do so.

Any individual who wants to obtain or inspect a copy of a public record may request to have the record duplicated on paper, on the same medium on which the record is kept or on any other medium that the Superintendent/designee determines reasonable. If the request is ambiguous or overly broad, the District informs the requester of the manner in which records are maintained and accessed in the ordinary course of business and allows the requester to revise the request.

Records pertaining to individual students and other confidential materials are not released for inspection. Only that information deemed "directory information" may be released from an individual student's file, and only after complying with the regulations prepared by the administration for the release of such information. Student directory information is not released **for profit-making purposes** or when parents have affirmatively withdrawn their consent to release in writing. Student records that consist of "personally identifiable information" generally are exempt from disclosure.

All records responsive to the request are made available in a reasonable period of time. The District makes the requester aware of any information that is exempt from disclosure requirements by notifying the requester of any redacted information or by making redactions in a plainly visible manner. If a public records request is denied, the District provides an explanation with legal authority for the denial of the request. This explanation is provided in writing if the request is made in writing or if the Superintendent/designee determines written explanation is necessary.

The Superintendent/designee transmits the information sought by mail or by any other means of delivery requested, if the method is reasonably available. The number of mail requests sent to any one person may be limited to 10 a month unless the person certifies, in writing, that neither the records nor the information in them will be used for commercial purposes.

A fee may be charged for copies and/or delivery. The District may require the fee charged for copies and/or delivery be paid in advance.

The Board's public records policy is posted in a conspicuous location in the central office and in all other District buildings and employee handbooks provided by the District. The policy is distributed directly to the records custodian and receipt of the policy by the custodian is acknowledged. A copy of the records retention schedule is maintained and readily available to the public in the central office.

[Adoption date:]

LEGAL REFS.: Family Educational Rights and Privacy Act; 20 USC, Section 1232g
ORC 121.22
149.011; 149.35; 149.381; 149.41; 149.43
3319.321
OAC 3301-35-03; 3301-35-04

CROSS REFS.: BDC, Executive Sessions
BDDG, Minutes
EHA, Data and Records Retention
GBL, Personnel Records
GBS, Health Insurance Portability and Accountability Act (HIPAA)
IGBA, Programs for Students with Disabilities
JO, Student Records
KA, School-Community Relations Goals
KKA, Recruiters in the Schools

NOTE: THIS IS A REQUIRED POLICY

RELATIONS WITH PARENT ORGANIZATIONS

The Board supports all organizations of parents whose objectives are to promote the educational experiences of District students. However, in using the name of the District or its schools and in organizing a group whose identity derives from a school(s) of the District, parent organizations share responsibility with the Board for the welfare of participating students.

Parent organizations desiring to use the name or offices of the District to organize students must obtain the approval of the Board as a prerequisite. Continued use of the school's name, logo, mascot, etc. is contingent upon compliance with all applicable Board policies and regulations.

Principals and staff members need to work closely with the officers of all parent organizations to provide a sustained system of activities that increase and enhance the educational opportunities for students. The activities must be integrated and balanced in accordance with the total District educational program and District goals and objectives and must comply with all State and local laws and regulations.

Parent organizations meeting the charitable trust filing requirements must file with the Ohio Attorney General and submit to the Superintendent a certificate indicating that filing requirements have been met.

Parent organizations that wish to construct anything on school property must have the permission of the Board in advance of the construction project. The organization must provide the Board, in writing, proof of financial stability and that funds are available for the construction project.

Acceptance of donated equipment or materials may depend upon the compliance with, or experience related to, the Board's policy of standardizing materials and equipment.

[Adoption date:]

LEGAL REFS.: ORC 3313.17; 3313.20; 3313.36; 3313.47
OAC 109:1-1-02

CROSS REFS.: AE, School District Goals and Objectives
KG, Community Use of School Facilities (Equal Access)
KGB, Public Conduct on District Property
KH, Public Gifts to the District
KI, Public Solicitations in the Schools
KJ, Advertising in the Schools
KMB, Relations with Booster Organizations

NOTE: Under Ohio Administrative Code Section (OAC) 109:1-1-02, parent and booster organizations that for any taxable year have gross receipts of \$25,000 or more and at the end of which have gross assets of \$25,000 or more and which are organized and operated in conjunction with and for the benefit of students of primary and secondary schools and education institutions must register with the Ohio Attorney General as charitable trusts within six months of creation of the charitable trust or within six months after occurrence of an event by reason of which the charitable trust is required to register.

Parent and booster organizations that meet these filing requirements must register online at www.ohioattorneygeneral.gov/charitableregistration. These requirements are effective for fiscal years ending after September 1, 2012.

RELATIONS WITH BOOSTER ORGANIZATIONS

The Board recognizes that the endeavors and objectives of booster organizations can be a valuable means of stimulating interest and endorsement of the aims and achievements of the District. Care must be taken to avoid compromising or diluting the responsibility and authority of the Board.

Annually, booster organizations must submit to the Superintendent/designee their tentative goals, objectives, projects and/or activities along with their fundraising plans for the next school year and any changes made during the school year for review by the Board.

The Board retains final authority over all plans, projects and activities involving District students.

Booster organizations must abide by all District policies and rules as well as the following list.

1. Booster organizations should not use the school's tax ID number.
2. Booster organizations should not accept checks made out to the school and vice versa.
3. District officials should not have a leadership role in booster organizations.
4. Fundraising activities should not occur on school premises or during school hours unless permission has been given by the Superintendent/designee.
5. Documentation on ownership of property and fundraising activities is required.
6. The use of the District name and emblems must be authorized.
7. Booster organizations must submit their bylaws as well as quarterly reports on income, expenses and balance sheets to the Superintendent for review and approval.
- 8. Booster organizations meeting the charitable trust filing requirements must file with the Ohio Attorney General and submit to the Superintendent a certificate indicating that filing requirements have been met.**

Booster organizations must have permission from the Board prior to any construction of facilities. The organization must provide the Board, in writing, that funds are available to complete the project.

Acceptance of donated equipment or materials may depend upon the compliance with, or experience related to, the Board's policy of standardizing materials and equipment.

[Adoption date:]

LEGAL REFS.: ORC 3313.20; 3313.47
OAC 109:1-1-02

CROSS REFS.: IGDG, Student Activities Funds Management
IGDH, Contests for Students
KG, Community Use of School Facilities (Equal Access)
KGB, Public Conduct on District Property
KH, Public Gifts to the District
KI, Public Solicitations in the Schools
KK, Visitors to the Schools
KMA, Relations with Parent Organizations

***NOTE:** Under Ohio Administrative Code Section (OAC) 109:1-1-02, parent and booster organizations that for any taxable year have gross receipts of \$25,000 or more and at the end of which have gross assets of \$25,000 or more and which are organized and operated in conjunction with and for the benefit of students of primary and secondary schools and education institutions must register with the Ohio Attorney General as charitable trusts within six months of creation of the charitable trust or within six months after occurrence of an event by reason of which the charitable trust is required to register.*

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