

## SCHOOL PROPERTIES DISPOSAL

The Board believes that the efficient administration of the District requires the disposition of property and goods no longer necessary for the maintenance of the educational program or the operation of the District.

The Board recognizes that most unused property of the District has value and that it may be practical to retain such property for a period of time. Once property is no longer needed for school purposes currently or in the future, it should be slated for disposal at the Superintendent's discretion. State law governs the retention and method of disposal of the Board's property. Therefore, the Board follows the procedures required by the various statutes governing the disposal of real or personal property.

The Board follows the procedures set forth in State law for the disposal of real or personal property at the minimum dollar value set forth in the statute on the date the Board decides to dispose of the property. The Board is first required to sell its real property to start-up community schools operating in the District and college-preparatory boarding schools located within the territory of the District. If the community school or college-preparatory boarding school is not interested in buying the property, the Board can sell its real or personal property at a public auction and follow specific statutory requirements if the property exceeds \$10,000 in value. If this amount is changed by the legislature, the Board and administration's responsibility changes automatically to reflect the new minimum statutory dollar value.

The Board directs the periodic review of all District property and authorizes the disposition by sale, donation, trade or discard of any property not required for school purposes.

The District complies with State law regarding the sale or lease of unused District property to community schools and college-preparatory boarding schools.

### Disposal of Property Valued at Less Than the Dollar Value Set Forth in State Law

For the disposal of property that is not governed by the Ohio Revised Code or administrative regulations, the administration is required to follow these procedures:

1. The Superintendent determines that the value of the property is less than the value set forth in State law. The property is valued pursuant to a reasonable method as determined by the Superintendent.
2. The Board is notified when real or personal property is no longer needed for school purposes and directs that the property be sold.

3. The Superintendent sells the property to a start-up community school or by bids, general sale, negotiated sale or by trade as determined by the Superintendent or the Board on an individual basis.

[Adoption date:]

LEGAL REFS.: ORC 131.09  
3313.17; 3313.37; 3313.40; 3313.41; 3313.411  
3314.051  
**5705.10**

CROSS REF.: FL, Retirement of Facilities

*NOTE: Senate Bill (SB) 316 added language to the House Bill (HB) 153 (budget bill) language below. SB 316 added boards of trustees of college-preparatory boarding schools to the right of first refusal and sale/lease requirements below. SB 316 also adds that any appraisals required by State law must be not more than one year old. The SB 316 sale/lease provisions also require that intent to purchase or lease the property must be provided to the treasurer. Only qualified parties who have provided intent to purchase or lease to the treasurer may participate in any resulting auctions or lotteries.*

*Finally, SB 316 permits, but does not require, boards to offer unused school facilities for sale or lease to the governing authorities of community schools with plans, stipulated in their contracts entered into under State law, to either relocate their operations to the territory of the district or to add facilities to be located within the territory of the district.*

*HB 153 makes changes to the property disposal requirements regarding community schools and college-preparatory boarding schools. First, HB 153 removes the requirement that real property be suitable for use as a classroom space in order for the districts to be required to offer it to a community school and college-preparatory boarding schools within the district prior to selling it under other applicable law.*

*If the district decides to dispose of real property that exceeds \$10,000 in value, the district must first offer to sell it to community schools and college-preparatory boarding schools within the district for fair market value, as determined by a property appraisal not more than one year old. If more than one community school or college-preparatory boarding school accepts the offer within 60 days, the district will sell it to the community school or college-preparatory boarding school whose offer was received first in time. If no community schools or college-preparatory boarding schools accept the offer within 60 days, the district may dispose of the real property in compliance with State law.*

*HB 153 adds new requirements in regards to “unused school facilities.” Unused school facilities are facilities that have been used by the district for school operations since July 1, 1998, but have not been used in that capacity for two years. Districts must offer these facilities to community schools and college-preparatory boarding schools within the district for sale or lease.*

*If, within 60 days, a community school or college-preparatory boarding school within the district accepts the offer for sale, the district must sell the real property to the community school or college-preparatory boarding school for fair market value. If, within 60 days, more than one community school or college-preparatory boarding school accepts the offer for sale by notifying the treasurer, the district must hold a public auction for the real property, but it is important to note that the district is not required to accept a bid for less than the appraised fair market value of the property, as determined by a property appraisal that is not more than one year old. Only qualified parties who notified the treasurer of their intent to purchase the property are eligible to bid at auction.*

*If, within 60 days, a community school or college-preparatory boarding school accepts the offer to lease the real property, the district must lease to the community school or college-preparatory boarding school for the fair market value of a lease on the real property. Fair market value is determined by a property appraisal that is not more than one year old. If, within 60 days, two or more community schools or college-preparatory boarding schools within the district send a written intention to lease the property to the treasurer, the district must conduct a lottery to determine to which community school or college-preparatory boarding school the district will award the lease. Only qualified parties who have notified the treasurer of their intent to lease the property will be eligible for participation in the lottery. It is also important to note that districts that have outstanding leases with entities other than community schools or college-preparatory boarding schools may renew those leases. Nothing in the statute affects current lease agreements between the district and other entities.*

*If, within 60 days, no community school or college-preparatory boarding school accepts the offer to lease or buy the property, the district may offer it to any other entity, in accordance with State law. SB 316 extends the list of eligible entities to include nonprofit institutions of higher education that have certificates of authorization under State law and governing authorities of chartered nonpublic schools.*

***HB 59 (13) (budget bill) added language requiring proceeds from the sale of real property disposed of under Ohio Revised Code Section 3313.41 to be used to retire any debt incurred in connection with that real property. Excess proceeds may be paid into the Capital and Maintenance Fund and used only for costs of nonoperating capital expenses related to technology infrastructure and equipment to be used for instruction and assessment.***

## STUDENT TRANSPORTATION SERVICES

The transportation policies of the Board are aimed at providing a safe, efficient and economical method of getting students to and from school. It is the desire of the Board that the transportation schedule serves the best interests of all students and the District.

In addition to that required by law, the Board provides school bus transportation to all elementary and secondary school students to the extent determined by the administration and approved by the Board. This may vary because of safety conditions that prevail in certain areas of the District. All regulations governing student transportation are in accordance with the Ohio School Bus Operation Regulations issued by the Ohio Department of Education, the Ohio State Highway Patrol and the Ohio Department of Highway Safety and as required by State law.

**The District will transport as many students as practical on school buses that meet all the state requirements for pupil transportation. In some cases, students who are not accessible to school buses may be transported by other means as defined by State law.**

**The Board annually approves designated bus stops and time schedules as presented by the Superintendent/designee, and grants authority to the transportation supervisor/designee to adjust stops during the school year.**

~~The District operates its own fleet of school buses. If it is impractical to transport certain students by regular bus, they may be transported by other means.~~

The transportation program is under the direction of the transportation supervisor who is responsible to the Superintendent. **The Board directs the Superintendent/designee to develop District-level policies and procedures for the safe and efficient operation of student transportation services.**

### Transportation to Community, STEM and Private Schools

The District ~~may~~ **will** provide transportation for **eligible** students who attend community, STEM and private schools in compliance with State law **when practical**. ~~The Board has the authority to make payments to the parents of such students in lieu of transportation, if the parents qualify to receive payments under State law.~~

**When transportation for any student is not practical by any means approved by State law, the Board may resolve to declare transportation impractical and offer the student payment in lieu of transportation.**

[Adoption date:]

LEGAL REFS.: ORC ~~3317.07~~  
3327.01 through 3327.10  
4511.76 through 4511.78  
OAC 3301-83

CROSS REFS.: EEAA, ~~Walkers and Riders~~ **Eligibility Zones for Pupil Transportation**  
EEAC, School Bus Safety Program

*NOTE: In all city, local and exempted village districts, the board provides transportation for resident elementary students, kindergarten through grade eight, who live more than two miles from the school of attendance and for all students with physical or mental disabilities that make walking impossible or unsafe. The transporting of high school students is optional. **Students attending a joint vocational school must be provided with transportation from the high school to the JVSD. Buses used to transport students may be operated by the district, other districts or in some cases private contractors that meet the requirements for the state for pupil transportation. The approved alternative methods for transporting students are outlined in Ohio Administrative Code 3301-83-19.***

*The board is not required to transport nonpublic **or community** school students whose travel is more than 30 minutes to school **from their district school of assignment.** ~~Reimbursement in lieu of transportation is unavailable as well. These students are not eligible for any services, including payment in lieu of transportation in accordance with State law.~~*

*State law permits districts, upon request, to transport students in grades K-12 who do not reside in the district to a nonpublic school the student attends if the:*

- 1. student's resident district is not required to transport the student because the travel time is more than 30 minutes and*
- 2. parent agrees to reimburse the nonresident district for the costs of transporting the student that exceed the amount the district receives from the state.*

*If the nonresident district declines the request, it is required to state its reasons in writing.*

*With an overall policy on student transportation, such as the above, few policies would be needed in subcategories of code EEA; ~~however, there would be a need for board-approved regulations in several areas.~~ It is advisable for a board to **delegate to the superintendent/designee the responsibility of developing district-level policies and procedures for the daily transportation procedure.** ~~approve most regulations in the sensitive area of student transportation.~~ Many laws will apply in these areas.*

~~WALKERS AND RIDERS~~  
**ELIGIBILITY ZONES FOR PUPIL TRANSPORTATION**

The Board provides transportation for resident elementary students in grades kindergarten through 8, who live more than two miles from school, and for all students with physical or mental disabilities that make walking impossible or unsafe. The transportation of high school students is optional.

~~Accordingly, the~~ **The** administration designates and the Board approves areas of residence from which students are provided transportation to schools. The Board may create exceptions to the established ~~areas when:~~ **eligibility zones.**

- ~~1. in the judgment of the Board, walking conditions to the student's school are extremely hazardous and/or~~
- ~~2. because of overcrowding and the necessity to assign students to another building, the Board deems transportation necessary.~~

**Resident students attending a joint vocational school are provided with transportation to the program from the high school they are assigned to.**

The Board authorizes the staff responsible for administering the student transportation program to require student identification as a prerequisite to riding a school bus when this is deemed necessary.

[Adoption date:]

LEGAL REFS.: ORC 3327.01; 3327.011  
OAC 3301-51-10

CROSS REF.: EEA, Student Transportation Services

## SCHOOL BUS SAFETY PROGRAM

The primary consideration in all matters pertaining to transportation is the safety and welfare of student riders. Safety precautions shall include the following.

1. The transportation program meets all state requirements regarding the testing and approval of bus drivers, standards for buses and safe speeds.
2. Drivers of Board-owned, leased, contracted or operated vehicles other than school buses have met state training qualifications and the vehicles have been equipped for safety and signage according to State law.
3. Special limits are set for students if terrain, age of student, traffic, lack of sidewalk or student's health has a bearing on the student's safety.
4. Bus stops are limited, where feasible, so that students from several homes can meet safely at a central point for group pickup.
5. Emergency evacuation drills, **supervised by someone other than the bus driver**, are conducted regularly throughout the school year to thoroughly acquaint student riders with procedures in emergency conditions.
6. All vehicles used to transport students are maintained in such condition as to provide safe and efficient transportation service with a minimum of delay and disruption of service due to mechanical or equipment failure.
7. Students in **kindergarten through the primary grades third grade** are given instruction on school bus safety and behavior within the first two weeks of the school year. **Regularly transported students in grade four through 12 are instructed in safety procedures in accordance with State law.**
8. **Passengers participating in non-routine use of school buses will receive safety instructions at the beginning of the bus trip.**

[Adoption date:]

LEGAL REFS.: ORC 3327.09; 3327.10  
4511.75; 4511.76; 4511.761; 4511.762 through 4511.78  
OAC 3301-51-10  
3301-83



CROSS REFS.: EB, Safety Program  
EEA, Student Transportation Services  
**EEAD, Non-Routine Use of School Buses**  
GBQ, Criminal Records Check  
**HICA, Field Trips**

*NOTE: Districts are encouraged to develop for distribution a drivers' manual that ~~describes~~ **includes by reference** all the state requirements for drivers, the Ohio pre-service driver training manual, the Ohio pupil transportation rules and regulations, as well as the local requirements of the transportation program, including the drivers' responsibilities for the care and maintenance of buses and other school vehicles.*

***THIS IS A REQUIRED POLICY***

DRUG TESTING FOR DISTRICT PERSONNEL REQUIRED  
TO HOLD A COMMERCIAL DRIVER'S LICENSE

School bus drivers and others required to hold a commercial driver's license are subject to a drug and alcohol testing program that fulfills the requirements of federal regulations. The Board directs the Superintendent/designee to develop a school bus driver drug testing program in compliance with State and Federal laws and regulations.

[Adoption date:]

LEGAL REFS.: 49 USC 31136; 31301 et seq.  
49 CFR, Subtitle A, Part 40  
**ORC 4506.15; 4506.16**  
OAC 3301-83-07

CROSS REFS.: EB, Safety Program  
GBCB, Staff Conduct  
GBE, Staff Health and Safety  
GBP, Drug-Free Workplace  
GBQ, Criminal Records Check  
Staff Handbooks

*NOTE: THIS IS A REQUIRED POLICY*

DRUG TESTING FOR DISTRICT PERSONNEL REQUIRED  
TO HOLD A COMMERCIAL DRIVER'S LICENSE

School bus drivers and others required to hold a commercial driver's license (CDL) are subject to a drug and alcohol testing program that fulfills the requirements of federal regulations.

These regulations reflect several requirements of the federal drug testing regulations but are not intended in any way to modify or limit the procedures for drug and alcohol testing. District personnel must adhere to the detailed provisions of federal regulations in administering the District's drug and alcohol program. **Districts must also adhere to State laws pertaining to drug and alcohol testing for drivers required to hold a CDL.**

References to tests in these regulations include both drug and alcohol tests unless the context specifies otherwise. The terms drugs and controlled substances are interchangeable and have the same meaning. **Testing includes the standard seven-panel Department of Transportation drug screen, which includes: Drugs refer to marijuana, cocaine, opiates, phencyclidine (PCP) and amphetamines (including methamphetamines). Cannabinoid (THC), amphetamines (and methamphetamines), cocaine, MDMA (ecstasy), opiates, heroin (6-Monoacetyl morphine) and phencyclidine (PCP).**

Pre-Employment Tests

**Prior to the first time a driver performs safety-sensitive functions for the District, a** ~~controlled substances test is administered. before a driver performs any safety sensitive functions for the District.~~ **A**

The test is required of an applicant only after he/she has been offered employment. Employment is conditional upon the applicant's receiving a negative drug test result.

An employee ~~also~~ may be exempt from the pre-employment drug test if he/she has participated in a drug-testing program within 30 days prior to the application for employment. ~~and w~~ **While** participating in that program **the employee must** either ~~was~~ **have been** tested for drugs within the last six months (from the date of application) or participated in a random drug testing program in the previous 12 months. ~~The provided that the responsible administrator has been~~ **must be** able to make all verifications required by law.

Post-Accident Tests

**Prior to a driver operating a school bus, the District will provide the driver with necessary post-accident information, procedures and instructions, so that the driver will be able to comply with these requirements.**

Alcohol and controlled substance tests are conducted in the time limits imposed by the federal regulations after an accident on any driver who:

1. was performing safety-sensitive functions with respect to the vehicle if the accident involved loss of human life and/or
2. received a citation under State or local law for a moving-traffic violation arising from the accident.

No driver involved in an accident may use alcohol for eight hours after the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within two hours or if a drug test is not administered within 32 hours after the accident, the responsible administrator prepares and maintains records explaining why the test was not conducted.

Tests conducted by authorized federal, state or local officials fulfill post-accident testing requirements, provided they conform to applicable legal requirements and are obtained by the responsible administrator. Breath tests validate only the alcohol test and cannot be used to fulfill controlled-substance testing obligations.

~~Before any driver operates a commercial motor vehicle, the District provides him/her with post-accident procedures that make it possible to comply with post-accident testing requirements.~~

**The Board reserves the right to require any driver involved in an accident while on duty to undergo alcohol and controlled substance testing.**

### Random Tests

**Alcohol and controlled substance** Tests are conducted on a random basis at unannounced times throughout the year. Random tests ~~for alcohol~~ are conducted just before, during or just after the performance of safety-sensitive functions. ~~Random tests for drugs do not have to be conducted in immediate time proximity to performing safety-sensitive functions.~~ Once notified of selection for drug testing, a driver must proceed **immediately** to a collection site to provide a urine specimen.

Drivers are selected by a scientifically valid random process, and each driver has an equal chance of being tested each time selections are made. **All drivers, whether full-time or substitute, and other individuals who are certified to operate school buses and may be called upon to do so, will be included in the random pool. Individuals who are selected for a random test but who are not operating a school bus at the time of the selection will be passed over, and an alternate driver will be tested under the random draw.** The number of bus drivers selected for random testing is in accordance with federal regulations.

### Reasonable Suspicion Tests

Tests must be conducted when a properly trained supervisor or District official has reasonable suspicion that the driver has violated the District's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech or body odors. The observations may include indications of chronic and withdrawal effects of controlled substances.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the workday when the driver must comply with alcohol prohibitions. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the appropriate administrator prepares and maintains a record explaining why this was not done. Attempts to conduct alcohol tests terminate after eight hours.

An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test.

A supervisor or District official who makes a finding of reasonable suspicion must also make a written record of his/her observations leading to a reasonable-suspicion drug test within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

**In accordance with federal regulations, third party information may not be the only determining factor used to conduct reasonable suspicion testing.**

### Return-to-Duty Tests

A drug or alcohol test is conducted when a driver who has violated the drug or alcohol prohibition returns to performing safety-sensitive duties.

Employees whose conduct involved misuse of drugs may not return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result.

Employees whose conduct involved alcohol may not return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and District standards.

### Follow-Up Tests

A driver who violates the drug or alcohol prohibition and is subsequently identified by a substance-abuse professional as needing assistance in resolving a drug or alcohol problem is subject to unannounced follow-up testing as directed by the substance-abuse professional in accordance with law. Follow-up alcohol testing is conducted just before, during or just after the time when the driver is performing safety-sensitive functions.

### Records

Employee drug and alcohol test results and records are maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver receives copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records are made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

### Notifications

Each driver receives educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the policy and regulations for meeting these requirements. Representatives of employee organizations are notified of the availability of this information. The information identifies:

1. the person designated by the Board to answer driver questions about the materials;
2. categories of drivers who are subject to the drug and alcohol testing requirements;
3. sufficient information about the safety-sensitive functions performed by drivers to make clear for what period of the workday driver compliance is required;
4. specific information concerning driver conduct that is prohibited;
5. circumstances under which a driver is tested for drugs and/or alcohol;
6. procedures that are used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results and ensure that test results are attributed to the correct driver;
7. the requirement that a driver submit to drug and alcohol tests administered in accordance with federal regulations;
8. an explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;

9. consequences for drivers found to have violated the drug and alcohol prohibitions, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation and treatment;
10. consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04 and
11. information concerning the effects of drugs and alcohol on an individual's health, work and personal life; external and internal signs and symptoms of a drug or alcohol problem; and available methods of intervening when a drug or alcohol problem is suspected including confrontation, referral to an employee assistance program and/or referral to administrative officials.

Each driver must sign a statement certifying that he/she has received a copy of the above materials.

The Board-designated administrator notifies a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his/her employment application.

The Board designee notifies a driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The designee also tells the driver which controlled substances were verified as positive.

Drivers inform their supervisors if at any time they are using a controlled substance that their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician **is familiar with the driver's medical history and** has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle. **The District may require additional written notification from the prescribing physician.**

#### Enforcement

Any driver who refuses to submit to post-accident, random, reasonable-suspicion or follow-up tests is not allowed to perform or continue to perform safety-sensitive functions-, **and is ineligible to operate a school bus in the state. The Ohio Department of Education will be notified of the refusal to test.**

A driver who in any other way violates District prohibitions related to drugs and alcohol receives from the Board designee the names, addresses and telephone numbers of substance-abuse professionals and counseling and treatment programs available to evaluate and resolve drug- and alcohol-related problems. The employee is evaluated by a substance-abuse professional who determines what help, if any, the driver needs in resolving such a problem.

Any substance-abuse professional who determines that a driver needs assistance will not refer the driver to a private practice, person or organization in which he/she has a financial interest, except under circumstances allowed by law.

Before the driver is returned to safety-sensitive duties, if at all, the Board designee must ensure that the employee:

1. has been evaluated by a substance-abuse professional;
2. has complied with any recommended treatment;
3. has taken a return-to-duty drug and alcohol test with a result indicating an alcohol concentration level of less than 0.02 and
4. is subject to unannounced follow-up drug and alcohol tests. (The number and frequency of such follow-up testing is as directed by the substance-abuse professional and consists of at least six tests in the first 12 months following the driver's return to duty.)

**In accordance with State law a driver may not operate a school bus when a drug or alcohol test indicates any measurable or detectable amount of a controlled substance.**

(Approval date:)

***NOTE: THIS IS A REQUIRED REGULATION***

***Districts should reference their negotiated agreement when determining whether to keep or remove the permissive language in this regulation.***



## HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY (HIPAA)

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) grants individuals the right to receive notice of the uses and disclosures of their protected health information that may be made by the District, and sets forth the individual's rights and the District's legal obligations with respect to protected health information. The purpose of this policy is to assist the District in complying with the HIPAA privacy standards, to ensure that individuals receive adequate notice of the District's practices with regard to the dissemination and use of protected health information, and to protect the confidentiality and integrity of protected health information.

### Confidentiality of Individually Identifiable Health Information

All officers, employees and agents of the District must preserve the confidentiality and integrity of individually identifiable health information pertaining to any individual. Individually identifiable health information is protected health information and shall be safeguarded to the extent possible in compliance with the requirements of the security and privacy rules and standards established by the HIPAA.

The District and its employees will not use or disclose an individual's protected health information for any purpose without the properly documented consent or authorization of the individual or his/her authorized representative unless required or authorized to do so under State or Federal law or this policy, unless an emergency exists or unless the information has been sufficiently de-identified that the recipient of the information would be unable to link the information to a specific individual.

**Prior to releasing any protected health information for the purposes set forth above, the District representative disclosing the information shall verify the identity and authority of the individual to whom disclosure is made. This verification may include the examination of official documents, badges, driver's licenses, workplace identity cards, credentials or other relevant forms of identification or verification.**

All employees of the District are expected to comply with and cooperate fully with the administration of this policy. The District will not tolerate any violation of the HIPAA privacy or security standards or this policy. Any such violation constitutes grounds for disciplinary action, up to and including termination of employment.

Any employee of the District who believes that there has been a breach of these privacy and security policies and procedures or a breach of the integrity or confidentiality of any person's protected health information shall immediately report such breach to his/her immediate supervisor or the Board-appointed privacy/security officer. The privacy/security officer shall conduct a thorough and confidential investigation of any reported breach and notify the complainant of the results of the investigation and any corrective action taken.

The District will not retaliate or permit reprisals against any employee who reports a breach to the integrity or confidentiality of protected health information. Any employee involved in retaliatory behavior or reprisals against another individual for reporting an infraction of this policy is subject to disciplinary action up to and including termination of employment.

~~Prior to releasing any protected health information for the purposes set forth above, the District representative disclosing the information shall verify the identity and authority of the individual to whom disclosure is made. This verification may include the examination of official documents, badges, driver's licenses, workplace identity cards, credentials or other relevant forms of identification or verification.~~

~~If the~~**Following the discovery of a breach of unsecured health information, the privacy/security officer will notify each individual whose unsecured protected health information has been, or is reasonably believed to have been accessed, acquired, used or disclosed as a result of a breach.** ~~determines that there has been a breach of this privacy policy or of the procedures of the District, he/she shall make a determination of the potentially harmful effects of the unauthorized use or disclosure and decide upon a course of action to minimize the harm.~~ Any individual responsible for the unauthorized use or disclosure is referred to the Superintendent or his/her designee for appropriate disciplinary measures.

#### Privacy/Security Officer

The Treasurer shall be the privacy/security officer for the District. The privacy/security officer is responsible for overseeing all ongoing activities related to the development, implementation, maintenance and adherence to the District's policies and procedures concerning the security and privacy of protected health information.

#### Notice

The District shall distribute a Notice of Privacy Practices to individuals at the time of their enrollment in the health plan and within 60 days of any material revision. The notice shall also be posted in a clear and prominent location in each facility in the District and be printed in staff handbooks and the health plan booklet. The District will also notify individuals covered by the health plan of the availability of and how to obtain the notice at least once every three years.

#### Training

All employees shall receive training regarding the District's privacy policies and procedures as necessary and appropriate to carry out their job duties. Training shall also be provided when there is a material change in the District's privacy practices or procedures.

Documentation

Documentation shall be required in support of the policies and procedures of the District and all other parts of the HIPAA privacy regulations that directly require documentation, including, but not limited to, all authorizations and revocations of authorizations, complaints and disposition of complaints. All documentation is kept in written or electronic form for a period of six years from the date of creation or from the date when it was last in effect, whichever is later.

[Adoption date:]

LEGAL REFS.: Health Insurance Portability and Accountability Act; 29 USC 1181 et seq.  
45 C.F.R.  
ORC 9.01; 9.35  
149.41; 149.43  
1347.01 et seq.  
~~3317.061~~  
4113.23  
~~OAC 3301-35-03(A)(10)~~

CROSS REF.: KBA, Public's Right to Know

**DELETE AND REPLACE WITH NEW EXHIBIT**

**NOTICE OF PRIVACY PRACTICES**

(Effective Date: April 14, 2003)

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

If you have any questions about this notice, please contact the school's Chief Fiscal Officer.

Who Will Follow the Requirement of This Notice? This notice describes the District's practices and those of its employees and business associates. The District, its employees, and its business associates may share medical information with each other for the purposes of treatment, payment or other operations of the District as described in this notice.

Privacy of Health Information. We understand that medical information about you and your health is personal. This notice tells you about the ways in which we may use and disclose medical information about you. We also describe your rights and certain obligations that we have, regarding the use and disclosure of medical information. We are required by law to:

1. assure the medical information that identifies you is kept private;
2. give you this notice of our legal duties and privacy practices with respect to medical information about you and
3. follow the terms of the notice that is currently in effect.

Use and Disclosure of Medical Information. The following describes the different ways that we may use and disclose medical information. Generally, private health information may be released without your authorization for the purposes of treatment, payment or other health care operations of the District. Medical information may also be released for the following purposes:

1. as required by law;
2. for public health services;
3. in connection with the investigation of abuse, neglect or domestic violence;
4. to health oversight agencies in connection with health oversight activities;
5. for judicial and administrative proceedings;
6. for law enforcement purposes;

7. to coroners, medical examiners and funeral directors;
8. for research if a waiver of authorization has been obtained;
9. to prevent serious and imminent harm to the health or safety of a person or the public;
10. for specialized governmental functions;
11. for military and veterans activities;
12. for national security and intelligence;
13. for protective services for the President and others;
14. to the Department of State to make medical suitability determinations;
15. to correctional institutions and law enforcement officials regarding an inmate or
16. for workers' compensation if necessary to comply with the laws relating to workers' compensation and other similar programs.

Rights Regarding Medical Information. You have the following rights regarding medical information that we maintain about you:

1. Right to Inspect and Copy. You have the right to inspect and copy medical information that may be used to make decisions about you, including medical and billing records. To inspect and copy medical information about you, you must submit your request in writing to the CFO. If you request a copy of this information, we may charge a fee for the costs of copying, mailing or other supplies associated with your request. We may deny your request to inspect and copy in certain very limited circumstances. If you are denied access to medical information, you may request that the denial be reviewed by the Board.
2. Right to Amend. If you feel that the medical information we have about you is incorrect or incomplete, you may ask us to amend the information. You have the right to request an amendment for as long as the information is kept by or for the District. To request an amendment, your request must be made in writing and submitted to the CFO. In addition, you must provide a reason that supports your request. We may deny your request if the information:
  - A. is not in writing or properly supported by a reason;
  - B. was not created by us;

- C. is not part of the medical record kept by the District;
  - D. is not part of the information that you would be permitted to inspect and copy or
  - E. is not accurate and complete.
3. Right to an Accounting. You have the right to request an “accounting of disclosures.” This is a list of the disclosures we have made of medical information about you. To request this list, you must submit your request in writing to the CFO. Your request must state a time period that may not be longer than six years and may not include dates before April 14, 2003. Your request must also indicate in what form you want the list (for example, on paper or electronically). The first list that you request within a 12-month period is free. For additional lists, we may charge you for the cost of providing the list. We will notify you of the cost involved and you may choose to withdraw or modify your request before any cost is incurred.
  4. Right to Request Restrictions. You have the right to request a restriction or limitation on the medical information that we use or disclose about you for treatment, payment or health care operations. You also have the right to request a limit on the medical information that we disclose about you to someone who is involved in your care or the payment for your care. However, we are not required to agree to your request. If we do agree, we will comply with your request unless the information is needed to provide you with emergency treatment. To request restrictions, you must make a written request to the CFO telling us what information you want to limit; whether you want to limit our use, disclosure or both; and to whom you want the limits to apply, for example, disclosures to your spouse.
  5. Right to Request Confidential Communications. You have the right to request that we communicate with you about medical matters in a certain way or at a certain location; for example, by mail or only at work. To request confidential communications, you must make your request in writing to the CFO and specify how or where you wish to be contacted. We will not ask you the reason for your request and will accommodate all reasonable requests.
  6. Right to a Paper Copy of This Notice. You have the right to a paper copy of this notice. You may ask us to give you a copy of this notice at any time. Even if you have agreed to receive this notice electronically, you are still entitled to a paper copy. You may obtain a copy of this notice by contacting the CFO’s office.

Changes to This Notice. We reserve the right to make changes to this notice, and to make the revision or change applicable to medical information we already have about you. We will post a copy of the current notice in each building in the District.

Complaints. If you believe your privacy rights have been violated, you may file a complaint with the District. To file a complaint, please contact the school CFO.

All complaints must be submitted in writing. You can also complain to the Office for Civil Rights, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Room 509F, HHH Building, Washington, DC 20201-0004; (800) 368-1019.

Other Uses of Medical Information. Other uses and disclosures of medical information not covered by this notice will be made only with your written permission. If you provide us with permission to use or disclose medical information about you, you may revoke that permission in writing at any time. If you revoke your permission, we will no longer use or disclose medical information about you for the reason covered by your written authorization. However, we will not be able to take back any disclosures that we already made during any period in which your permission was in effect.

## NEW EXHIBIT

### NOTICE OF PRIVACY PRACTICES (Effective Date: April 14, 2003)

#### YOUR INFORMATION. YOUR RIGHTS. OUR RESPONSIBILITIES.

THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

If you have questions about this notice please contact: *(Insert name or title of your district privacy official (or other privacy contact) and his/her email address and phone number.)*

#### Your Rights

You have the right to:

- Get a copy of your health and claims records
- Correct your health and claims records
- Request confidential communication
- Ask us to limit the information we share
- Get a list of those with whom we've shared your information
- Get a copy of this privacy notice
- Choose someone to act for you
- File a complaint if you believe your privacy rights have been violated

#### Your Choices

You have some choices in the way that we use and share information as we:

- Answer coverage questions from your family and friends
- Provide disaster relief
- Market our services and sell your information

#### Our Uses and Disclosures

We may use and share your information as we:

- Help manage the health care treatment you receive
- Run our organization
- Pay for your health services
- Administer your health plan
- Help with public health and safety issues
- Do research



- Comply with the law
- Respond to organ and tissue donation requests and work with a medical examiner or funeral director
- Address workers' compensation, law enforcement, and other government requests
- Respond to lawsuits and legal actions

## Your Rights

When it comes to your health information, you have certain rights. This section explains your rights and some of our responsibilities to help you.

### Get a copy of health and claims records

- You can ask to see or get a copy of your health and claims records and other health information we have about you. Ask us how to do this.
- We will provide a copy or a summary of your health and claims records, usually within 30 days of your request. We may charge a reasonable, cost-based fee.

### Ask us to correct health and claims records

- You can ask us to correct your health and claims records if you think they are incorrect or incomplete. Ask us how to do this.
- We may say “no” to your request, but we’ll tell you why in writing within 60 days.

### Request confidential communications

- You can ask us to contact you in a specific way (for example, home or office phone) or to send mail to a different address.
- We will consider all reasonable requests, and must say “yes” if you tell us you would be in danger if we do not.

### Ask us to limit what we use or share

- You can ask us not to use or share certain health information for treatment, payment, or our operations.
- We are not required to agree to your request, and we may say “no” if it would affect your care.

### Get a list of those with whom we've shared information

- You can ask for a list (accounting) of the times we've shared your health information for six years prior to the date you ask, who we shared it with, and why.
- We will include all the disclosures except for those about treatment, payment, and health care operations, and certain other disclosures (such as any you asked us to make). We'll provide one accounting a year for free but will charge a reasonable, cost-based fee if you ask for another one within 12 months.

### Get a copy of this privacy notice

You can ask for a paper copy of this notice at any time, even if you have agreed to receive the notice electronically. We will provide you with a paper copy promptly.

### Choose someone to act for you

- If you have given someone medical power of attorney or if someone is your legal guardian, that person can exercise your rights and make choices about your health information.
- We will make sure the person has this authority and can act for you before we take any action.

### File a complaint if you feel your rights are violated

- You can complain if you feel we have violated your rights by contacting us using the information on page one.
- You can file a complaint with the U.S. Department of Health and Human Services Office for Civil Rights by sending a letter to 200 Independence Avenue, S.W., Washington, D.C. 20201, calling 1-877-696-6775, or visiting [www.hhs.gov/ocr/privacy/hipaa/complaints/](http://www.hhs.gov/ocr/privacy/hipaa/complaints/).
- We will not retaliate against you for filing a complaint.

### Your Choices

For certain health information, you can tell us your choices about what we share. If you have a clear preference for how we share your information in the situations described below, talk to us. Tell us what you want us to do, and we will follow your instructions.

In these cases, you have both the right and choice to tell us to:

- Share information with your family, close friends, or others involved in payment for your care
- Share information in a disaster relief situation

If you are not able to tell us your preference, for example if you are unconscious, we may go ahead and share your information if we believe it is in your best interest. We may also share your information when needed to lessen a serious and imminent threat to health or safety.

In these cases we never share your information unless you give us written permission:

- Marketing purposes
- Sale of your information

Our Uses and Disclosures

How do we typically use or share your health information? We typically use or share your health information in the following ways.

Help manage the health care treatment you receive

We can use your health information and share it with professionals who are treating you.

Example: A doctor sends us information about your diagnosis and treatment plan so we can arrange additional services.

Run our organization

- We can use and disclose your information to run our organization and contact you when necessary.
- We are not allowed to use genetic information to decide whether we will give you coverage and the price of that coverage. This does not apply to long-term care plans.

Example: We use health information about you to develop better services for you.

Pay for your health services

We can use and disclose your health information as we pay for your health services.

Example: We share information about you with your dental plan to coordinate payment for your dental work.

### Administer your plan

We may disclose your health information to your health plan sponsor for plan administration.

Example: Your company contracts with us to provide a health plan, and we provide your company with certain statistics to explain the premiums we charge.

### How else can we use or share your health information?

We are allowed or required to share your information in other ways – usually in ways that contribute to the public good, such as public health and research. We have to meet many conditions in the law before we can share your information for these purposes. For more information see: [www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/index.html](http://www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/index.html).

### Help with public health and safety issues

We can share health information about you for certain situations such as:

- Preventing disease
- Helping with product recalls
- Reporting adverse reactions to medications
- Reporting suspected abuse, neglect, or domestic violence
- Preventing or reducing a serious threat to anyone's health or safety

### Do research

We can use or share your information for health research.

### Comply with the law

We will share information about you if State or Federal laws require it, including with the Department of Health and Human Services if it wants to see that we're complying with Federal privacy law.

### Respond to organ and tissue donation requests and work with a medical examiner or funeral director

- We can share health information about you with organ procurement organizations.
- We can share health information with a coroner, medical examiner, or funeral director when an individual dies.

Address workers' compensation, law enforcement, and other government requests

We can use or share health information about you:

- For workers' compensation claims
- For law enforcement purposes or with a law enforcement official
- With health oversight agencies for activities authorized by law
- For special government functions such as military, national security, and presidential protective services

Respond to lawsuits and legal actions

We can share health information about you in response to a court or administrative order, or in response to a subpoena.

Our Responsibilities

- We are required by law to maintain the privacy and security of your protected health information.
- We will let you know promptly if a breach occurs that may have compromised the privacy or security of your information.
- We must follow the duties and privacy practices described in this notice and give you a copy of it.
- We will not use or share your information other than as described here unless you tell us we can in writing. If you tell us we can, you may change your mind at any time. Let us know in writing if you change your mind.

For more information see:

[www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/noticepp.html](http://www.hhs.gov/ocr/privacy/hipaa/understanding/consumers/noticepp.html).

Changes to the Terms of this Notice

We can change the terms of this notice, and the changes will apply to all information we have about you. The new notice will be available upon request, on our website, and we will mail a copy to you.

Source: U.S. Department of Health and Human Services. [www.hhs.gov](http://www.hhs.gov)

## PHYSICAL EDUCATION

The Board believes the District should provide education that is pertinent to the practical aspects of life, including instruction in student wellness practices. The Board promotes healthy schools by supporting wellness, which includes nutrition and physical activity instruction, as a part of the total learning environment.

A program of physical activity has substantial health benefits for students, including favorable effects on body weight, blood pressure, endurance capacity and physical strength. In addition, physical activity promotes good academic outcomes, fosters student attendance and helps increase a student's capacity for learning. The District promotes physical activity through structured classes in physical education and by encouraging students to develop healthy lifelong skills and interests in walking, biking or other leisure time activities.

The Board directs the administration to provide opportunities for physical activity through physical education classes, recess periods and cocurricular and extracurricular activities.

[Adoption date:]

LEGAL REFS.: Child Nutrition and WIC Reauthorization Act; Pub. L. No. 108-265  
(Title I, Section 204), 118 Stat. 729  
National School Lunch Act; 42 USC 1751 et seq.  
Child Nutrition Act; 42 USC 1771 et seq.  
7 CFR, Subtitle B, Chapter 11, Part 210  
7CFR 220  
7 CFR 225  
7 CFR 245  
ORC **3313.6016**  
3313.814  
OAC 3301-91-09

CROSS REFS.: EB, Safety Program  
EBBA, First Aid  
EBBC, Bloodborne Pathogens  
EFG, Student Wellness Program  
IGAE, Health Education  
JHF, Student Safety

***NOTES: Districts participating in the physical education pilot program under Ohio Revised Code Section 3313.6016 may now choose one or more schools to participate in the program. The program requires that students in chosen schools engage in at least 30 minutes of moderate to rigorous physical activity each school day or at least 150 minutes of moderate to rigorous physical activity each week, exclusive of recess.***

## ADMISSION OF EXCHANGE STUDENTS

The Board believes that one of the most effective vehicles for improving international understanding is communications among the individuals of various nations. Accordingly, the Board endorses the involvement of high school students and their families in recognized foreign exchange student programs. The Superintendent and administrative staff are responsible for developing regulations to direct the involvement of the high school with such programs.

Exchange students are not responsible for tuition if sponsored under an approved exchange program while temporarily residing in the District with a host family. Exchange students must meet the same requirements and expectations required of resident students, including immunization requirements.

Exchange students are encouraged to participate in all student activities, provided they meet the academic requirements.

The Board reserves the right to limit the number of exchange students in any given year.

**Foreign exchange students enrolled in a recognized visitor exchange program may be eligible to participate in interscholastic athletics in accordance with Ohio High School Athletic Association Bylaws.**

~~Foreign exchange students not enrolled in a state-approved educational or exchange program must be legally adopted by a resident of the District in order to be eligible for athletics.~~

[Adoption date:]

LEGAL REFS.: ORC 3313.20; 3313.535; 3313.615; 3313.64

CROSS REFS.: IGD, Cocurricular and Extracurricular Activities  
IGDJ, Interscholastic Athletics  
IGDK, Interscholastic Extracurricular Eligibility  
IKFB, Graduation Exercises  
JECB, Admission of Nonresident Students  
JHCB, Immunizations

## ADMISSION OF INTERDISTRICT TRANSFER STUDENTS

The Board permits any student from any other district in the state to apply and enroll in the District schools free of any tuition obligation, provided that all procedures as outlined in the administrative regulations are met. Requirements include:

1. application procedures, including deadlines for application and notification to students of acceptance or rejection and the superintendents of other districts whenever another district's student's application is approved;
2. procedures for admission;
3. District capacity limits by grade level, school building and educational program are determined;
4. resident students and previously enrolled District students have preference over first-time applicants;
5. no requirements of academic, athletic, artistic or any other skill or proficiency;
6. no limitations on admitting students with disabilities, unless services required in an Individualized Education Program are not available in the District;
7. no requirement that the student be proficient in the English language;
8. no rejection of any applying student because the student has been subject to disciplinary proceedings, except an applicant who has been suspended or expelled by another district for 10 consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought and
9. procedures to ensure maintenance of an appropriate racial balance in the District's schools.

The District cannot refuse to accept the credits earned by students who have participated in interdistrict open enrollment. The Board will not adopt a policy that discourages resident students from participating in interdistrict open enrollment.

Students **in grades 9-12** are ineligible for athletics for **the first 50% of the maximum allowable regular season contests in the sports the student participated in during the 12 months immediately preceding the transfer, until the one-year anniversary date of enrollment in the school the student transferred to.** ~~There are e~~**Exceptions** to the ineligibility provisions ~~contained~~ **are outlined** in the Ohio High School Athletic Association Bylaws.



[Adoption date:]

LEGAL REFS.: ORC 3313.97; 3313.98  
Chapter 3327  
OAC 3301-48-02

*NOTE: THIS IS A REQUIRED POLICY*