

## DEFINITIONS

Whenever the following items are used in these bylaws ~~and policies~~, **policies and administrative guidelines**, they shall have the meaning set forth below:

### **Administrative Guideline**

A statement, based on policy, usually written, which outlines and/or describes the means by which a policy should be implemented and which provides for the management cycle of planning, action, and assessment or evaluation.

### **Agreement**

A collectively negotiated contract with a recognized bargaining unit.

### **Apps and Web Services**

**Apps/web services are software (i.e., computer programs) that support the interaction of personal communication devices (as defined in Bylaw 0100, above) over a network, or client-server applications in which the user interface runs in a web browser. Apps/web services are used to communicate/transfer information/data that allow students to perform actions/tasks that assist them in attaining educational achievement goals/objectives, enable staff to monitor and assess their students' progress, and allow staff to perform other tasks related to their employment. Apps/web services also are used to facilitate communication to, from and among and between, staff, students, and parents.**

### **Board**

The Board of Education.

### **Bylaw**

Rule of the Board for its own governance.

### **Classified Employee**

An employee who provides support to the District's program and whose position does not require a professional license.

### **Compulsory School Age**

A child between six and eighteen years of age or a child under six years of age who has been enrolled in kindergarten unless at any time the child's parent or guardian, at the parent's or guardian's discretion and in consultation with the child's teacher and principal, formally withdraws the child from kindergarten.

### **District**

The School District.

### **Due Process**

The safeguards to which a person is entitled in order to protect his/her rights.

### **Full Board**

Authorized number of voting members entitled to govern the District.

### **Information Resources**

**The Board defines Information Resources to include any data/information in electronic, audio-visual or physical form, or any hardware or software that makes possible the storage and use of data/information. This definition includes but is not limited to electronic mail, voice mail, social media, text messages, databases, CD-ROMs/DVDs, web sites, motion picture film, recorded magnetic media, photographs, digitized information, or microfilm. This also includes any equipment, computer facilities, or online services used in accessing, storing, transmitting or retrieving electronic communications.**

### **May**

This word is used when an action by the Board or its designee is permitted but not required.

### **Meeting**

Any **prearranged discussion of the Board's public business by a majority of Board members.** ~~gathering which is attended by or open to all of the members of the Board, held with the intent on the part of the members of the body present to discuss or act as a unit upon the specific public business of that body.~~

### **Parent**

The natural, adoptive, or surrogate parents or the party designated by the courts as the legal guardian or custodian of a student. Both parents will be considered to have equal rights unless a court of law decrees otherwise. When a student is the subject of a power of attorney or caretaker authorization affidavit executed by the student's grandparent(s), the term parents shall also refer to the grandparent designated as the attorney-in-fact under the power of attorney or the grandparent who executed the affidavit.

Although the grandparent shall have rights and responsibilities with regard to the care, physical custody, and control of the student, including the ability to enroll the student in school, to obtain from the District educational or behavioral information about the student, consent to all school related matters, and consent to medical, psychological, or dental treatment for the student, the power of attorney does not convey legal custody of the grandchild to the grandparent and does not affect the rights of the parent, guardian, or custodian of the student in any future proceeding concerning the custody of the student or allocation of parental rights and responsibilities for the care of the student.

Likewise, although the grandparent shall have rights and responsibilities with regard to the care, physical custody, and control of the student, including the ability to enroll the student in school, to discuss with the District the student's educational progress, consent to all school related matters, and consent to medical, psychological, or dental treatment for the student, the caretaker authorization affidavit does not convey legal custody of the grandchild to the grandparent and does not affect the rights of the student's parents, guardian or custodian regarding the care, physical custody, and control of the child.

R.C. 3313.64, 3109.52, 3109.65

### **Personal Communication Devices**

**Personal communication devices ("PCDs") include computers, laptops, tablets, e-readers, cellular/mobile phones, smartphones, and/or other web-enabled devices of any type.**

### **Policy**

A general, written statement by the governing board which defines its expectations or position on a particular matter and authorizes

appropriate action that must or may be taken to establish and/or maintain those expectations.

**President**

The chief executive officer of the Board. (See Bylaw 0170)

**Principal**

The educational leader and head administrator of one (1) or more District schools. In policy and administrative guidelines, implies delegation of designated responsibilities to appropriate members of his/her staff.

**Professional Staff Member**

An employee who implements or supervises one (1) or more aspects of the District's program and whose position requires a professional credential from the Division of Teacher Education and Licensing.

**Relative**

The mother, father, sister, brother, spouse, parent of spouse, child, grandparents, grandchild, or dependent in the immediate household as defined in the negotiated, collectively-bargained agreement.

**Secretary**

The chief clerk of the Board of Education.

**Shall**

This word is used when an action by the Board or its designee is required. (The word "will" or "must" signifies a required action.)

**Student**

A person who is officially enrolled in a school or program of the District.

**Superintendent**

The chief executive officer of the School District. In policy, implies delegation of responsibilities to appropriate staff members.

**Technology Resources**

**The Board defines Technology Resources to include computers, laptops, tablets, e-readers, cellular/mobile telephones, smartphones, web-enabled devices, video and/or audio recording equipment, SLR and DSLR cameras, projectors, software and operating systems that work on any device, copy machines, printers and scanners, information storage devices (including mobile/portable storage devices such as external hard drives, CDs/DVDs, USB thumb drives and memory chips), the computer network, Internet connection, and online educational services and apps.**

**Textbook**

This word is used to describe the learning material duly adopted and required as standard work for the study of a particular subject. It may be bound and printed with a hard or soft cover, or it may be electronic, e.g., computer software, interactive videodisc, magnetic media, CD ROM, computer courseware, on-line service, electronic medium, or other means of conveying information.

**Treasurer**

The chief fiscal officer of the District.

**Vice-President**

The Vice-President of the Board of Education. (See Bylaw 0170)

**Voting**

A vote at a meeting of the Board of Education. The law requires that Board members must be physically present in order to have their vote officially recorded in the Board minutes. R.C. 3313.18, 3313.20

Citations to Ohio Statute are noted as R.C. (Revised Code). Citations to Rules of the State Board of Education are noted as A.C. (Administrative Code). Citations to the Federal Register are noted as F.R., to the Code of Federal Regulations as C.F.R., and to the United States Code as U.S.C.

Adopted 2/90  
Revised 10/11/90  
Revised 1/23/01  
Revised 9/27/05

MEETINGS

0161 **Parliamentary Authority**

The parliamentary authority governing the Board of Education shall be the most recent edition Robert's Rules of Order, Newly Revised, in all cases in which it is not inconsistent with Statute, administrative code or these bylaws, or the rules of order of this Board.

Revised 1/23/01

0162 **Quorum**

Three (3) members present at a meeting shall constitute a quorum, and no business shall be conducted in the absence of a quorum. (R.C. 3313.18)

0163 **Presiding Officer**

The President shall preside at all meetings of the Board. In the absence, disability, or disqualification of the President, the Vice President shall act instead; if neither person is available, any member shall be designated by a majority of those present to preside. The act of any person so designated shall be legal and binding.

0164 **Notice of Meetings**

- A. A schedule of the time and place of all regular meetings shall be distributed to the major media serving the community and posted at the Board of Education office.
- B. Notice of the time, place, and purpose of each special meeting shall be given to the official newspaper(s) and to such news media as have requested such notice twenty-four (24) hours in advance of the meeting, except that when an emergency requires the immediate official action of the Board, the member(s) calling the meeting shall immediately notify the media requesting such notice of the time, place, and purpose of the meeting. (R.C. 121.22)

- C. Notice of meetings at which a specific type of public business is to be discussed shall be sent to all persons requesting such notice upon payment of fees which may be established by the Board.
- D. The Treasurer shall notify all Board members of each Board meeting no later than seventy-two (72) hours in advance of the meeting. Such notice shall include the time and place of the meeting, the agenda, the Superintendent's recommendations, and the financial reports and other pertinent information.

R.C. 3313.16

0164.1 **Notification of Board Meetings**

- A. Any news media organization or other person that desires to be given advance notification of regular or special meetings of the Board of Education shall file a written request with the Treasurer of the Board.
- B. Request for advance notification of regular and special meetings shall specify the name and address of the news media or person to whom the written notification may be mailed.
- C. Requests for notification by the news media and other persons shall be valid for the remainder of the calendar year in which requests are made.
- D. Except in the event of an emergency requiring immediate official action, notice of a special meeting will be given at least twenty-four (24) hours in advance of the time, place, and purpose of such special meeting.



- E. In the event of an emergency special meeting, twenty-four (24) hours advance notice need not be given as long as every effort is made and documented to give oral or written notification to the news media that have requested such advance notification of the time, place, and purpose of each special meeting.
- F. The Treasurer of the Board shall post the yearly schedule of all regular meetings to the district website.
- G. All school Board meeting notices shall also contain the following statement: "Upon request to the Superintendent of Schools, the District shall make reasonable accommodations for a disabled person to participate in this activity."

R.C. 3313.26

Revised 4/23/93  
Revised 12/17/13

0165.1      **Regular Meetings**

Regular meetings of the Board shall be public and held at least once every two (2) months. (R.C. 121.22, 3313.15) Generally, however, the Board shall meet twice monthly. A regular meeting shall be comprised of a work session, and as necessary, a business session and executive session. Work session agendas and information discussed will be set by the President in consultation with the Superintendent. Board members may present agenda items to the President for inclusion in the agenda and should suggest a time limit for the agenda item. The President shall include such items on the agenda unless in the President's judgment the agenda cannot be accomplished in a reasonable time. Any items submitted by Board members that are not included on the agenda, shall be included on the agenda of the next regular meeting. Work sessions will be for the purpose of presenting informational items to the Board, particularly items that are likely to come to the Board for action at a later meeting. Except for emergency items and routine employment or termination from existing positions and monthly financials, items coming before the Board for action should be discussed at the work session preceding the meeting when the item will be presented to the Board for action. A work session shall be convened for a determined amount of time stated in the agenda and may be extended by a majority of the Board. When in work session the Board may consider items in the mode informal discussion. Business session shall be for the purpose of taking Board action and shall be conducted according to Robert's Rules Newly Revised. Public participation in work sessions and business sessions shall be governed by Policy 0169.1

- A. After consultation with the President, it shall be the responsibility of the Superintendent to prepare an agenda of the items of business to come before the Board at each regular meeting. The agenda shall include items designated for work session, and as necessary, business session and executive session.

B. Consent Agenda

The Board may use a consent agenda to keep routine matters within a reasonable time frame.

A member of the Board may request any item be removed from the consent agenda. No vote of the Board will be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion.

C. The order of business for regular meetings of the Board of Education shall be as follows, unless altered by a majority of those present and voting:

1. Call to Order

- 1.1 Roll Call
- 1.2 Pledge of Allegiance
- 1.3 Adoption of the Agenda
- 1.4 Approval of Minutes

2. Convene for business session-if needed (use Robert's Rules of Orderly Newly Revised)

- 2.1 Revisions to Agenda-if needed
- 2.2 Public Participation and Introduction of Guests
- 2.3 Springboro Education Association Report
- 2.4 Springboro Classified Employees Association Report
- 2.5 Public Participation-Prearranged
- 2.6 Treasurer's Report
- 2.7 Superintendent's Report
- 2.8 Department Reports
- 2.9 Board Member Reports, Comments, Questions, Announcements, Future Considerations

3. Convene for work session (if needed, use informal consideration rules)
  - 3.1 Committee Reports
  - 3.2 Discussion of work session agenda items
  - 3.3 Discussion of other business as required
  - 3.4 Public participation on work session agenda items
  - 3.5 Suspend or adjourn work session
4. Executive session – if needed
5. Adjournment

If an action item becomes necessary as a result of an executive session, the item will be acted upon immediately following the executive session. The work session is open to the public; however, *except for adjournment*, there will be no action items.

Revised 1/22/91  
Revised 4/23/93  
Revised 10/24/95  
Revised 1/12/99  
Revised 1/23/01  
Revised 10/23/01  
Revised 9/23/03  
Revised 4/26/11  
Revised 5/24/12  
Revised 2/28/13  
Revised 7/11/13

0165.2      **Special Meetings**

Special meetings of the Board shall be public. (R.C. 121.22)

- A. Special meetings shall be called by the President or the Treasurer or by two (2) members of the Board by serving a written notice of the time and place of such meeting upon each Board member at least two (2) days in advance of the meeting. (R.C. 3313.16)
- B. The agenda for a special meeting, other than a rescheduled regular meeting, is limited to the purpose set forth in the public notice that is provided at least twenty-four (24) hours in advance of the meeting. At the special meeting, the Board may only discuss those issues set forth on the agenda, whether in open session or executive session.

Revised 1/23/01  
Revised 7/11/13

0165.3      **Recess**

The Board may adjourn or recess at anytime. The adjourned meeting, when reconvened, shall take up its agenda at the point where the motion to adjourn or recess was acted upon.

Revised 1/23/01  
Revised 12/18/01

0166      **Executive Session**

The Board reserves the right to meet privately in executive session solely to discuss one (1) or more of the following issues exempted from public sessions:

- A. consideration of the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee, official, or student

- B. investigation of charges or complaints against a public employee, official, or student unless such employee, official, or student requests a public meeting; except that consideration of the discipline of a Board member for conduct related to the performance of his/her duties or his/her removal from office shall not be held in executive session
- C. consideration of the purchase of property or sale of property at competitive bidding, if premature disclosure or information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest
- D. discussion, with the Board's legal counsel, of disputes involving the Board that are the subject of pending or imminent court action
- E. preparation for conduct or review of negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of employment
- F. matters required to be kept confidential by Federal law or rules or State Statutes
- G. specialized details of security arrangements where disclosure might reveal information that could be used for the purpose of committing, or avoiding prosecution for a violation of law

No official action may be taken in executive session. (R.C. 121.22)

Collective bargaining meetings between public employers and employee organizations are private and not subject to R.C. 121.22. (R.C. 4117.21)

An executive session will be held only at a regular or special meeting. After the meeting is convened, any member may make a motion for an executive session, stating therewith the purpose of the session by citing one or more of the reasons set forth above. If the session is to discuss a personnel matter listed in paragraph A above, the particular subject for which the session has been called must be identified in the motion. The motion does not need to name the person. Upon receiving a second to the motion and a majority vote of those present and voting, the chairperson shall declare the Board in executive session.

Revised 8/10/93

0167

**Voting**

All motions shall require for adoption a majority vote of those present and voting, except as provided by statute, these bylaws, or parliamentary authority. Upon the demand of any member of the Board, the vote shall be recorded by roll call.

Pursuant to R.C. 121.22, a motion to go into executive session requires a majority vote of a quorum and must be adopted by roll call vote.

In situations in which a specific number of affirmative votes are required and abstentions have been recorded, the motion shall fail if the specified number of affirmative votes have not been cast. In situations in which a tie vote occurs and abstentions have been recorded, the motion shall fail for lack of a majority.

All actions requiring a vote can be conducted by voice vote or show of hands, unless a roll-call vote is requested or required. A Board member must be physically present at the meeting to vote. Each vote and abstention shall be recorded. Proxy voting is prohibited. R.C. 3313.18

<u>Item</u>	<u>Number Needed</u>	<u>R.C. Reference</u>
Declaring it necessary to issue bonds	Majority Full Board*	3313.18
Declaration by remaining members, that reasons for a member's absence for ninety (90) days are insufficient to continue membership	2/3, Full Board	3313.11
Filling a vacant Board seat	Majority, Remaining Members	3313.11
Purchase or sell real estate	Majority, Full Board	3313.18
Appointment of any employee	Majority, Full Board	3313.18
Elect or appoint an officer	Majority, Full Board	3313.18
Pay any debt or claim	Majority, Full Board	3313.18
Adopt textbook	Majority, Full Board	3313.18



**BOARD OF EDUCATION  
SPRINGBORO COMMUNITY CITY SCHOOL DISTRICT**

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<u>Item</u>	<u>Number Needed</u>	<u>R.C. Reference</u>
Dispense with resolution authorizing purchase or sale of personal property, appointment of employees, etc., if annual appropriation resolution has been adopted by a majority of full membership	Majority, Full Board	3313.18
Removal of the Treasurer or Pro Tempore at any time for cause	2/3, Full Board*	3313.23
Appointment of Treasurer Pro Tempore	Majority, Full Board	3313.23
Determination that Treasurer's incapacity is removed	Majority, Full Board	3313.23
Affirm, reverse, vacate or modify an order of student expulsion; reinstate a student	Majority, Full Board	3313.66(E)
Appointment of Superintendent Pro Tempore	Majority, Full Board	3319.011
Removal of Superintendent Pro Tempore at any time for cause	2/3, Full Board*	3319.011
Reemployment of a teacher whom the Superintendent refuses to recommend	3/4, Full Board	3319.07

**BOARD OF EDUCATION  
SPRINGBORO COMMUNITY CITY SCHOOL DISTRICT**

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<u>Item</u>	<u>Number Needed</u>	<u>R.C. Reference</u>
Reemployment of an other administrator whom the Superintendent refuses to nominate	3/4, Full Board	3319.02
Reemployment of a teacher after considering two nominations by the Educational Service Center Superintendent	Majority, Full Board	3319.07
Reemployment of an other administrator whom the Educational Service Center Superintendent refuses to nominate	3/4, Full Board*	3319.02
Selection of textbooks	Majority, Full Board	3329.08
Change, revision, or substitution of textbooks during four-year period after adoption	4/5, Full Board	3329.08
Transfers of funds in certain cases	2/3, Full Board	5705.14
Resolution declaring the necessity for certain transfers of funds	Majority, Full Board	5705.16
Levying a tax outside 10-mill limitation (not emergency)	2/3, Full Board	5705.21

<u>Item</u>	<u>Number Needed</u>	<u>R.C. Reference</u>
Rejection of findings and recommendations of fact-finding panel by Board or employee organization under statutory impasse resolution procedure	3/5, Full Board	4117.14(c)(6)

\*2/3 = 4 MEMBERS OF A FIVE-PERSON BOARD

Revised 10/11/90  
Revised 1/23/01  
Revised 12/18/01  
Revised 6/28/11

0167.1

**Use of Electronic Mail**

Since E-mail **and Text Messages are forms** ~~is a form~~ of communication that could conflict with the Sunshine Law, ~~it~~**they** will be used only for the purposes of communicating messages between Board members or between a Board member and employee(s) which do not involve deliberating or rendering a decision on matters pending before the Board; **possible agenda items between the Superintendent and the Board President; times, date, and places of regular or special Board meetings; a Board meeting agenda or public record information concerning items on the agenda; requests for public record information from a member of the administration, school staff, or community pertaining to District operations; responses to questions posed by members of the public, administrators, or school staff.**

Under no circumstances shall Board members use E-mail **or Text Messages** to discuss among themselves Board business that is only to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party.

There should be no expectation of privacy for any messages sent by E-mail. Messages that have been deleted may still be accessible on the hard drive, if the space has not been occupied by other messages. Messages, deleted or otherwise, may be subject to disclosure under the Public Records Act, unless an exemption would apply.

Adopted 1/12/99

Revised 1/23/01

0168

**Minutes**

The Treasurer shall keep minutes of all Board meetings showing the time and place, the members present, the subjects considered, the actions taken, the vote of each member on roll call votes, and any other information required to be shown in the minutes by law, which shall be available to the public. (R.C. 121.22, 149.43, 3313.26) Board minutes shall reflect the general subject matter of discussions in executive session. (R.C. 121.22)

The Treasurer shall provide each Board member with a copy of the minutes of the last meeting no later than seventy-two (72) hours before the next regular meeting.

Video tape recordings made in accordance with Policy 9121 of the Board of Education shall be preserved as public documents of the Board.

The minutes of Board meetings shall be considered at the next succeeding meeting where they shall be read (unless waived by law), corrected, and approved. The approved minutes shall be signed by the Treasurer and the President. The approved minutes shall be filed in the Treasurer's office in a prescribed minute book as a permanent record of official Board proceedings.

R.C. 149.43, 3313.26, 3315.07

Revised 1/12/99

0169

**Hearing of Citizens**

Residents and employees of Springboro Community City School District present at a meeting of the Board may address the Board in accordance with the Board's rules. (R.C. 3315.07(C)(2))

Revised 6/28/05

0169.1      **Public Participation at Board Meetings**

The Board of Education recognizes the value to school governance of resident and employee comment on educational issues and the importance of encouraging members of the employees and residents to express themselves on school matters of community interest.

Consistent with Board Policy 0165.1, item number C.3.5., there shall be a period of public participation at the beginning of the meeting set aside for residents and employees who wish to make a presentation to the Board on a prearranged basis. A maximum of thirty (30) minutes of resident and employee participation will be permitted at that time, unless a longer period is agreed upon by the Board. The Board President shall have the authority to limit the speaking time per person to a maximum of five (5) minutes or less. Requests for a speaking time during this period shall be made to the Superintendent at least three (3) days prior to the meeting. This requirement may be waived by the President or the Superintendent at their discretion.

Consistent with Board Policy 0165.1, item number C.3.5., citizens may also be recognized by the President to present their opinions, comments, and related information. All such participation must be related to the Board work session agenda items at the Board meeting. The speaking time of individuals may be restricted by the President to the extent necessary to hear the widest range of views, avoid redundancy, and assure that the agenda is completed by a reasonable hour.

The following procedure shall be in effect whenever large delegations of residents or employees attend a Board meeting requesting to be heard on an issue being considered or discussed:

A. Statement of Board Position

Following discussion of the subject by the Board, the Board President may briefly describe the situation and characterize the Board's position regarding it, if the Board has in fact taken a position. If no official action has been taken, the President may so state and may summarize briefly the alternatives available to the Board, and implications of each.

B. Board to Answer Questions

After the speakers for and against the issue have been heard, the President shall indicate that questions pertaining directly to the issue involved may be directed by the Board.

C. Action by the Board

Upon a ruling by the President to close the public discussion, the Board may proceed with its deliberations and take whatever action it deems advisable.

In the event that so much public input is anticipated that sufficient time is not available during a given Board meeting, the Board may elect to set a special single purpose meeting to hear public comment.

Participants must be recognized by the presiding officer and must preface their comments by an announcement of their name, address, and group affiliation if appropriate.

The presiding officer may:

- A. interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;
- B. request any individual to leave the meeting when that person does not observe reasonable decorum;
- C. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
- D. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action;
- E. waive these rules with the approval of the Board when necessary for the protection of privacy or the efficient administration of the Board's business.

R.C. 3313.20, 3315.07 (C)(2)

Revised 1/12/99  
Revised 1/23/01  
Revised 10/8/02  
Revised 6/28/05  
Revised 8/12/08  
Revised 4/26/11  
Revised 6/28/11  
Revised 5/24/12

**169.2**

**Open Meetings/Sunshine Law**

**The Sunshine Law applies to the Board, and to any committee or subcommittee created by the Board or required by law or rule.**

**A "meeting" to which the Sunshine Law applies is any prearranged discussion of the public business of the Board, committee or subcommittee by a majority of its members, including, but not limited to, regular and special meetings, work sessions, retreats, planning meetings, and study groups. A series of prearranged meetings attended by a minority of the Board to discuss the public business, without giving proper**

**notice, is a violation of the Sunshine Law. A majority of members may gather at social or other events, but may not discuss public business. The Sunshine Law prohibits any private prearranged discussion of public business by a majority of Board members regardless of whether the discussion occurs face to face, telephonically, by video conference, or electronically by e-mail, text messages, tweet, or other forms of communication.**



**EVALUATION OF PRINCIPALS AND OTHER ADMINISTRATORS**

**Application**

This policy shall apply to all persons employed by the Board of Education in a position requiring licensure as an administrator. This definition excludes school counselors but includes professional pupil services personnel and administrative specialists (or equivalent positions) who spend less than fifty percent (50%) of their time teaching or otherwise working directly in the presence of students.

This policy shall also apply to all persons employed in positions not requiring administrative licensure, but whose job duties enable them to be considered either a "supervisor" or "management level employee" as defined in Section 4117.01 of the Ohio Revised Code.

**Procedures**

**General Requirements**

The Superintendent shall implement a program of regular evaluation for all administrative personnel which includes the following elements:

- A. The evaluation process shall fairly attempt to measure the administrator's effectiveness in performing the duties set forth in his/her job description.
- B. A written evaluation document shall be produced for each evaluation. Each administrator shall be evaluated at least once annually.
- C. The evaluation shall be conducted by the Superintendent or his/her designee (such designation may be oral or in writing) prior to the Board's consideration of contract renewal or non-renewal, the Superintendent shall review the results of the evaluation process with the Board.

### **Specific Requirements for Building Principals and Assistant Principals**

In addition to the above, procedures for the evaluation of District building principals and assistant principals will be based upon comparable standards as set forth in the policy adopted by the Board for the evaluation of teachers pursuant to R.C. 3319.111, which adopts the Ohio Teacher Evaluation System (OTES), but tailored to address the duties and responsibilities of building principals and assistant principals and the environment in which they work. The Superintendent is authorized to develop administrative guidelines for the procedural and substantive evaluation of building principals and assistant principals consistent with this policy and State law and is further authorized to access the Ohio Principal Evaluation System (OPES) model as a resource in the development and maintenance of an evaluation process which is weighted equally on student growth measures and performance on the standards of the profession for principals and assistant principals.

### **Evaluation Instruments**

The Superintendent may, in his/her discretion, utilize a single evaluation instrument for all administrative positions, instruments particularized for each position, or a combination of both types of instruments.

Evaluation instruments shall be developed and/or utilized by the Superintendent as s/he may determine in his/her best professional judgment and may be modified from time-to-time by the Superintendent in the exercise of such professional judgment. Specific Board approval of the evaluation instruments or modifications to such instruments shall not be required.

### **Basis for Evaluation**

Each evaluation shall fairly attempt to measure the administrator's effectiveness in performing the duties of his/her job description.

Evaluations may be based upon the direct formal observations of the administrator, but may also consider informal or incidental observations and other relevant information which is within the knowledge of or brought to the attention of the evaluator. Out-of-school conduct may be considered if such conduct impairs the individual's effectiveness as an administrator or as a role model for students and staff.

### **Observations and Conferences**

A pre-evaluation conference may be conducted if deemed necessary or advisable by the evaluator.

Formal observations may be made of the administrator, either announced or unannounced, but shall not be a required element of the evaluation process **except for principals and assistant principals, who are subject to OPES**. Whether formal observations are **deemed** appropriate to ~~the~~ **other administrative** positions shall be determined by the evaluator on a case-by-case basis.

Following any formal observations and/or gathering of other evaluative data, and before finalizing any evaluation report, the evaluator shall arrange a post-evaluation conference at which the results of the evaluation process are discussed with the administrator. To the extent that any weaknesses or deficiencies have been identified in the evaluation process, the evaluator shall offer suggestions for improvement. Identified weaknesses and suggestions for improvement shall be identified in the evaluation report, but shall not be a required element of any evaluation. **However, for principals and assistant principals, the requirements of OPES shall apply in determining the need for growth and/or improvement plans.**

A final written evaluation report shall be produced in a manner deemed appropriate by the evaluator, in consultation with the administrator. This evaluation report may be combined with the evaluation instruments, or may be a separate document. The evaluation report shall be signed and dated by the administrator and the evaluator at the conclusion of the post-evaluation conference. The signature of the administrator shall not necessarily indicate that s/he agrees with the evaluator's comments or conclusions, but only that s/he has been made aware of such comments or conclusions. A copy of the evaluation report shall be provided to the administrator.

The final evaluation report for an administrator in the last year of his/her contract shall include the Superintendent's intended recommendation to the Board concerning the renewal or non-renewal of the contract.

### **Number and Timing of Evaluations**

#### **A. Administrator Not in Final Year of Contract**

An administrator not in the final year of his/her contract shall be evaluated at least once during the school year. A written copy of the evaluation report shall be provided to the administrator no later than the end of the administrator's contract year as defined by the administrator's annual salary notice.

**B. Administrator in Final Year of Contract**

An administrator whose contract is due to expire at the conclusion of the current school year shall have at least one (1) preliminary evaluation and one (1) final evaluation during such year. A written copy of the preliminary evaluation report shall be provided to the administrator at least sixty (60) days prior to any Board action on the renewal or non-renewal of the contract. A written copy of the final evaluation report shall be provided to the administrator at least five (5) days prior to any Board action on the renewal or non-renewal of the contract.

The Board may elect not to evaluate a principal who was on leave from the School District for fifty percent (50%) or more of the school year and/or submitted notice of retirement that was accepted by the Board no later than December 1<sup>st</sup> of the year of the evaluation.

**Meeting with Board**

Each administrator shall be provided the opportunity to meet with the Board in executive session prior to the Board's action on his/her contract. In this meeting, the Board shall discuss its reasons for considering the renewal or non-renewal of the contract. The administrator may be accompanied by a representative of his/her choosing at the meeting. However, no witnesses or other persons may appear with or on behalf of the administrator without the express permission of the Board.

Written notice of the right to have such a meeting with the Board shall be provided in accordance with law to each administrator whose contract is expiring at the conclusion of the current school year.

**Written Rebuttal**

The administrator may, at any time following the receipt of an evaluation report, submit a written rebuttal, not to exceed three (3) pages in length, which shall be promptly attached to the evaluation report and any copies of the evaluation report which are retained in the District's records or submitted to the Board for its consideration.

**Legal Effect**

This policy and the procedures contained herein shall not create a legal expectancy of continued employment or a property interest in continued employment, and shall not be deemed a part of any individual administrator's contract or otherwise a contractual obligation of the Board.

To the extent that any of the procedures contained herein exceed the requirements of Ohio law, such procedures shall not be construed as a pre-condition to contract non-renewal and shall not prevent the Board from proceeding with a contract non-renewal which otherwise satisfies the minimum requirements of Ohio law.

R.C. 3319.02, 3319.111, 3319.112, 4117.01

Adopted 3/28/01  
Revised 8/14/12  
Revised 6/27/13  
Revised 1/22/15

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PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS

The Board of Education provides coverage to eligible employees under self-funded group health plans. The Board has established the following self-funded group health plans:

- A. Medical Plan
- B. Prescription Drug Plan
- C. Health Flexible Spending Accounts (FSA)

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints the Treasurer to serve as the Privacy Official of the group health plans. **The Privacy Official shall develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. The Privacy Official shall verify that the policies and procedures are current and comply with Federal law.** ~~The Board delegates authority to the Privacy Official to develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. In the event that the HIPAA Privacy Rule is subsequently amended, the Privacy Official is directed to recommend to the Board necessary amendments to the policies and procedures.~~

~~The Board also acknowledges that the HIPAA Security Rule requires the group health plan(s) to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints the Superintendent to serve as the Security Official of the group health plans. The Board delegates authority to the Security Official to develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. In the event that the HIPAA Security Rule is subsequently amended, the Security Official is authorized to recommend to the Board necessary amendments to the policies and procedures.~~

**The Board also acknowledges that the HIPAA Security Rule requires the group health plan(s) to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints Executive Director of Operations to serve as the Security Official of the group health plans. The Security Official shall conduct a risk analysis and develop, propose to the Board, and implement policies and procedures for the group health**

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**plan(s) relating to the security of electronic Protected Health Information, if applicable. The Security Official shall verify that the policies and procedures are current and comply with Federal law.**

The Board further delegates authority to the Privacy Official and/or the Security Official to undertake such other actions as provided by the **HIPAA** administrative guidelines in effect from time to time. The Privacy Official and/or Security Official shall report his/her progress to the Board. ~~upon request. The Board reserves the right to revoke any or all delegations set forth in this policy at any time and for any reason.~~

~~Since the Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties (CMP) for violations of the HIPAA Privacy Rule and the HIPAA Security rule, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official for any CMP imposed upon the Privacy Official or Security Official in connection with the performance of his/her duties for the group health plans. Notwithstanding the foregoing language, the Board shall not indemnify the Privacy Official or Security Official in the event the CMP was imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official.~~

**The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.**

**The group health plans administrator(s) shall provide timely notifications of breaches of unsecured protected health information in accordance with the Health Information Technology for Economic and Clinical Health (HITECH) Act and accompanying regulations.**

**The Board reserves the right to revoke any or all appointments set forth in this policy at any time for any reason.**

29 C.F.R. Part 1635  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
42 U.S.C. 1320d-5(a)(1)  
45 U.S.C. 160.102(a), 164.308(a)(2), 164.530(a), 164.530(i)

Adopted 8/26/14



**PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS**

The Board of Education provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans: Dental Plan and Vision Plan.

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The Board also acknowledges that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic Protected Health Information in accordance with the HIPAA Security Rule.

~~The Board hereby appoints the Superintendent to serve as the Security Official of the group health plans. The Board delegates authority to the Security Official to perform an information technology risk analysis and to develop risk management procedures, if necessary.~~

The **Board hereby appoints the Executive Director of Operations to serve as the Security Official of the group health plans.** ~~shall review the insurer's internal policies and procedures implementing various security measures required by the HIPAA Security Rule with respect to electronic Protected Health Information.~~ All of the group health plans' functions are carried out by the insurer and the insurer owns and controls all of the equipment and media used to create, maintain, receive, and transmit electronic Protected Health Information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule. ~~The Security Official may elect to utilize, as administrative guidelines, the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information, as appropriate.~~

**The Security Official does not have the ability to assess or adjust the insurer's policies related to the HIPAA Security Rule. Accordingly, unless otherwise determined by the Security Official, the group health plans shall utilize as administrative guidelines the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information.**

**The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not**

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**historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.**

The fully insured group health plans established by the Board shall:

- A. Refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.
- B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.
- C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.
- D. Provide notification to affected individuals, the Secretary of the U.S. Department of Health and Human Services, and the media (when required), if the plan or one of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

- A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.
- B. Information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.
- C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

29 C.F.R. Part 1635

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

45 C.F.R. 160.102(a), 164.530(g), 164.530(h), 164.530(j), 164.530(k), 164.404

45 C.F.R. 164.406, 164.408, 164.502, 164.520(a)

Revised 8/26/14

**NEW POLICY - VOL. 35, NO. 1**

**PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The Board of Education acknowledges that the Patient Protection and Affordable Care Act (“ACA”) imposes certain obligations upon the District. Such obligations may include the following:

- A. The District shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee’s employment start date. Sample form notices are available from the U.S. Department of Labor at:

<http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html>

- B. Employees of the District have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the District enrolls in the Health Insurance Marketplace and receives a subsidy, then the District may be liable for a penalty.

In event that the District concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the District shall incur the potential penalty.

29 USC 218B  
26 USC 4980H

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**NEW POLICY - VOL. 35, NO. 1**

**GROUP HEALTH PLANS**

The Board of Education shall have discretion to establish and maintain group health plans for the benefit of eligible employees. The definition of group health plans as used in this policy may include, but is not limited to, major medical, prescription drug, dental and/or vision plans. These group health plans may provide certain health benefit plans to employees as permitted by law.

The Board has elected to provide minimum value health coverage for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents.

SPECIAL EDUCATION

The Board of Education, is committed to providing a free appropriate public education **(FAPE)** to children with disabilities identified in accordance with applicable State and Federal laws, rules, and regulations. **This includes students who are confined to community corrections facilities or juvenile detention centers. The District shall provide students with disabilities the services to which they are entitled pursuant to their individualized education programs (IEPs) and in accordance with the Operating Standards for Ohio Educational Agencies Serving Children with Disabilities, including Child Find and Evaluation requirements. Students with disabilities who are in adult county jails shall continue to receive FAPE during incarceration subject to their continued eligibility for services and subject to exceptions related to security and safety.**

In order to satisfy the requirements of the Operating Standards for Ohio Educational Agencies Serving Children with Disabilities ("Ohio Operating Standards"), the Board of Education adopts the model policies and procedures promulgated by the Ohio Department of Education's Office of Exceptional Children (ODE-OEC), which is incorporated by reference into this policy. While the Special Education Model Policies and Procedures ("Model Policies") issued by the ODE-OEC are comprehensive, the document does not include every requirement set forth in the Individuals with Disabilities Education Improvement Act of 2004 ("IDEIA"), the regulations implementing the IDEIA, the Operating Standards, the Ohio Revised Code, and/or the Ohio Administrative Code. As such, the Board affirms its obligation to follow these laws and regulations, regardless of whether their provisions are restated in the Model Policies.

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

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

Revised 11/16/93  
Revised 3/26/96

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Revised 5/27/03

Revised 2/22/11

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## STANDARDS-BASED TEACHER EVALUATION

The Board of Education is responsible for a standards-based teacher evaluation policy which conforms to the framework for evaluation of teachers as approved by the State Board of Education and aligns with the “Standards for the Teaching Profession” as set forth in State law.

The Board adopts the Ohio Teacher Evaluation System (“OTES”) model as approved by the State Board of Education.

The Board believes in the importance of ongoing assessment and meaningful feedback as a powerful vehicle to support improved teaching performance and student growth, as well as promotion and retention decisions for teachers.

This policy shall be implemented as set forth herein and included in the collective bargaining agreement with the SEA, and in all extensions and renewals thereof.

This policy has been developed in consultation with teachers employed by the Board.

The Board authorizes the Superintendent to establish and maintain an ongoing Evaluation committee, with continuing participation by District teachers represented by the SEA, and for the express purpose of recommending necessary changes to the Board for the appropriate revision of the policy.



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## **Definitions**

**“OTES”** – stands for the Ohio Teacher Evaluation System as adopted by the Ohio State Board of Education in 2011, or as otherwise modified by the State Board of Education.

**“Teacher”** – For purposes of this policy, “teacher” means a licensed instructor who spends at least 50% of his/her time providing content-related student instruction and who is working under one of the following:

- A. A license issued under R.C. 3319.22, 3319.26, 3319.222 or 3319.226; or
- B. A permanent certificate issued under R.C. 3319.222 as it existed prior to September, 2003; or
- C. A permanent certificate issued under R.C. 3319.222 as it existed prior to September, 2006; or
- D. A permit issued under R.C. 3319.301.

Substitute teachers and teachers not meeting this definition are not subject to evaluation under this policy. Full time bargaining unit members who do not meet the definition will be evaluated utilizing the evaluation procedures of the collective bargaining agreement in effect between the Board and the SEA.

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The Superintendent, Treasurer, Business Manager and any “other administrator” as defined by R.C. 3319.02 are not subject to evaluation under this policy.

**“Credentialed Evaluator”** – For purposes of this policy, each teacher subject to evaluation will be evaluated by a person who:

- A. meets the eligibility requirements under R.C. 3319.111(D); and
- B. holds a credential established by the Ohio Department of Education for teacher evaluation; and
- C. has completed State-sponsored evaluation training and has passed an online credentialing assessment.

The Board shall authorize the Superintendent/designee to approve and maintain a list of credentialed evaluators as necessary to effectively implement this policy.

**“Core Subject Area”** – means reading and English language arts, mathematics, science, foreign language, government, economics, fine arts, history and geography.

**“Student Growth”** – for the purpose of the district’s evaluation policy, student growth is defined as the change in student achievement for an individual student between two or more points in time.

**“Student Learning Objectives” (“SLOs”)** – include goals identified by a teacher or group of teachers that identify expected learning outcomes or growth targets for a group of students over a period of time.

**“Shared Attribution Measures”** – encompasses student growth measures that can be attributed to a group.

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**“Value-Added”** – refers to the EVAAS Value-Added methodology provided by SAS, Inc., which provides a measure of student progress at the district and school level based on each student’s scores on state issued standardized assessments.

**“Vendor Assessment”** – student assessments approved by the Ohio Department of Education that measure mastery of the course content for the appropriate grade level, which may include nationally normed standardized assessments, industry certification exams, or end-of-course examinations for grade level and subjects for which the Value-Added measure does not apply.

## **Standards-Based Teacher Evaluation**

Teacher evaluations will utilize multiple factors, with the intent of providing meaningful feedback to each teacher and assigning an effectiveness rating based upon teacher performance, student growth, and other locally determined criteria.

Each teacher evaluation will result in an effectiveness rating of:

- A. accomplished;
- B. skilled;
- C. developing; or
- D. ineffective

The specific standards and criteria for distinguishing between these ratings/levels of performance shall be the same as those developed by the State Board of Education, which are incorporated herein by reference.

The Superintendent shall annually cause to be filed a report to the Ohio Department of Education the number of teachers for whom an evaluation was conducted as well as the number of teachers assigned each rating as set forth above, aggregated by teacher preparation programs from which and the years in which the teachers graduated. The Board will utilize the ODE’s guidelines for reporting this information.

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## **Assessment of Teacher Performance**

Teacher performance will be evaluated during formal observations and periodic informal observations also known as “classroom walkthroughs.” Such performance, which will comprise ~~at least~~ fifty-percent (50%) of a teacher’s effectiveness rating, will be assessed through a holistic process by trained and credentialed evaluators based upon the following *Ohio Standards for the Teaching Profession*:

- A. understanding student learning and development and respecting the diversity of the students they teach;
- B. understanding the content area for which they have instructional responsibility;
- C. understanding and using varied assessment to inform instruction, evaluate and ensure student learning;
- D. planning and delivering effective instruction that advances individual student learning;
- E. creating learning environments that promote high levels of learning and student achievement;
- F. collaborating and communicating with students, parents, other educators, District administrators and the community to support student learning; and
- G. assuming responsibility for professional growth, performance and involvement.

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## **Formal Observation and Classroom Walkthrough Sequence**

- A. All instructors who meet the definition of “teacher” under R.C. 3319.111 and this policy shall be evaluated based on at least two (2) formal observations of at least thirty (30) minutes each and periodic classroom walkthroughs each school year.
- B. Teachers whose limited contracts are set to expire shall receive at least three (3) formal observations in addition to periodic classroom walkthroughs unless the Superintendent waives the third observation. A teacher’s employment contract may not be non-renewed unless the teacher receives three (3) observations.

A teacher who receives a rating of “Accomplished” on his/her most recent evaluation may be evaluated every other school year.

Evaluations will be completed by May 1<sup>st</sup> and each teacher will be provided a written report of the results of his/her evaluation by May 10<sup>th</sup>. Written notice of nonrenewal will be provided by June 1<sup>st</sup>.

In evaluating teacher performance in these areas, the Board shall utilize the measures set forth by the Ohio Department of Education’s OTES “Teacher Performance Evaluation Rubric” for instructional planning, instruction and assessment, and professionalism, ~~set forth herein in the Appendix.~~

Each teacher evaluated under this policy shall annually complete a “Self-Assessment,” utilizing the Self-Assessment Summary Tool set forth herein as “Teacher Evaluation Form.”

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## **Formal Observation Procedure**

- A. The first formal observation shall be preceded by a conference between the evaluator and the employee prior to the observation in order for the employee to explain plans and objectives for the classroom situation to be observed. The second observation will be unannounced.
- B. A post-observation conference shall be held after each formal observation.

## **Informal Observation/Classroom Walkthrough Procedure**

- A. Classroom walkthroughs shall not unreasonably disrupt and/or interrupt the learning environment.
- B. Data gathered from the walkthrough will be shared with the employee within a reasonable period of time.
- C. Teacher may request a walkthrough post-observation conference to discuss evidence gathered.

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## **Assessment of Student Growth**

In determining student growth measures, the Board adopts the Ohio Department of Education's Ohio Teacher Evaluation System (OTES), which calculates student growth by assessing achievement for an individual student occurring between two points in time. It is important to note that a student who has forty-five (45) or more absences for the school year will not be included in the determination of student academic growth.

In general, the Board will utilize the following categories to determine this aspect of a teacher's evaluation, depending upon the instructor involved:

- A1. Teachers instructing in value-added subjects exclusively;
- A2. Teachers instructing in value-added courses, but not exclusively<sup>1</sup>;

OR

- B. Teachers instructing in areas with Ohio Department of Education approved vendor assessments with teacher-level data available; or
- C. Teachers instructing in areas where no teacher-level value-added or approved vendor assessment available.<sup>2</sup>

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<sup>1</sup> For these teachers, value added will be used for the student academic growth factor in proportion to the part of a teacher's schedule of courses or subjects for which the value-added progress dimension is applicable. Teachers with multiple subjects that have value-added data will be issued reports for a composite of reading and math; for other assessments (approved vendor and local measures), the assessment data measures should be representative of the teacher's schedule.

<sup>2</sup> If used, only one (1) "shared attribution" measure can be utilized per instructor.

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Where value-added methodologies exist for A1 and A2 teachers, the Board will utilize them in the evaluation process. Teachers instructing in value-added courses, but not exclusively, will utilize teacher value-added and locally determined measures proportionate to the teacher's schedule.

When an approved Ohio Department of Education vendor assessment is utilized in the measurement of student growth, it will be included in the evaluation process for "B" teachers. ~~to the extent set forth in the Appendix of the "District Student Growth Measurement Index."~~

When neither teacher-level value-added data nor Ohio Department of Education-approved assessments are available, the District shall use locally-determined Student Growth Measures for District teachers. ~~set forth in the Appendix of the "District Student Growth Measurement Index."~~ Student Growth Measures may be comprised of SLOs, shared attribution, and/or non-Value-Added vendor data.

An SLO must be based upon the following criteria: Baseline and Trend Data, Student Population, Interval of Instruction, Standards and Content, Assessment(s), Growth Targets, and Rationale for Growth Targets. When new SLO's are developed or revised, the process will include consultation with teachers employed by the Board. ~~The Board's process for creating and revising SLO's is set forth in the Appendix of the "District OTES Student Growth Measures Manual."~~

Data from these approved measures of student growth will be scored on five (5) levels in accordance with the Ohio Department of Education/OTES:

- (5) Most Effective
- (4) Above Average
- (3) Average
- (2) Approaching Average
- (1) Least Effective



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## **Final Evaluation Procedures**

Each teacher's performance rating will be combined with the assessment of student growth measures to produce the summative evaluation rating, based upon the criteria developed by the Ohio Department of Education.

The evaluator shall provide that each evaluation is submitted to the teacher for his/her acknowledgement by written receipt. If signed, by the teacher, the receipt is to be sent to the Superintendent as soon as received.

## **Professional Growth Plans and Professional Improvement Plans**

Based upon the results of the annual teacher evaluation each teacher must develop either a professional growth plan or professional improvement plan as follows:

- A. Teachers whose ~~performance~~ **final summative** rating ~~indicates above expected levels of student growth~~ **is "accomplished"** will develop a professional growth plan and may choose their credentialed evaluator from those available to the Board for that purpose, utilizing the components set forth in the "Teacher Evaluation Forms."
- B. Teachers whose **final summative** ~~performance~~ rating ~~indicates expected levels of student growth~~ **is "skilled"** will develop a professional growth plan collaboratively with his/her credentialed evaluator and will have input on his/her evaluator for the next evaluation cycle, utilizing the components set forth in the "Teacher Evaluation Form."
- C. Teachers whose final summative rating is "developing" will develop a professional growth plan with their credentialed evaluator. The administration will assign the evaluator for the subsequent evaluation cycle and approved the professional growth plan, utilizing the components set forth in the "Teacher Evaluation Form."**
- ~~C.D.~~ Teachers whose **final summative** ~~performance~~ rating ~~indicates below expected levels of student growth~~ **is "ineffective"** will develop a professional improvement plan with their credentialed evaluator. The administration will assign the evaluator for the

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subsequent evaluation cycle and approve the professional improvement plan, utilizing the components set forth in **the** “Teacher Evaluation Form.”

## **Core Subject Teachers – Testing for Content Knowledge**

Beginning with the 2015-2016 school year, core subject area teachers must register for and complete all written examinations of content knowledge selected by the Ohio Department of Education if the teacher has received an effectiveness rating of “Ineffective” on his/her annual evaluation for two (2) of the three (3) most recent school years.

If a teacher passes the examination set forth above and provides proof of that passage to the Board, the teacher will be required, at the teacher's expense, to complete professional development that is targeted to the deficiencies identified in the teacher's evaluations conducted under this policy.

The following may be grounds for termination of a teacher pursuant to R.C. 3319-16:

- A. failing to complete all required written examinations under this section;
- B. a failing score on a written examination(s) taken pursuant to this section;
- C. a rating of “ineffective” on the teacher’s next evaluation after passing all written examinations pursuant to this section and after completion of the required professional development; or
- D. failure of a teacher to complete the required professional development.

Any teacher passing the examination set forth above will not be required to take the examination again for three (3) years, regardless of the teacher's evaluation ratings or the performance index score ranking of the building in which the teacher teaches.

No teacher shall be responsible for the cost of taking an examination set forth above.

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## **Board Professional Development Plan**

In accordance with the Ohio State Board of Education's state-wide evaluation framework, the Board has adopted a specific plan for the allocation of financial resources to support the professional development of teachers covered by this policy. The plan will be reviewed annually.

## **Retention and Promotion Decisions/Removal of Poorly Performing Teachers**

It is the purpose of this Standards-Based Teacher Evaluation Policy to improve the quality of instruction, enhance student learning and strengthen professional competence through meaningful feedback and targeted professional development. In addition, the evaluations produced will serve to inform the Board on employment decisions, i.e., retention, promotion of teachers, renewal of teaching contracts, and the removal/nonrenewal of poorly performing teachers.

## **Removal of Poorly Performing Teachers**

Removal of poorly performing teachers will be in accordance with the nonrenewal and termination statutes of the Ohio Revised Code and/or the relevant provisions of the Collective Bargaining Agreement in effect between the Board and the SEA.

# policy

**BOARD OF EDUCATION  
SPRINGBORO COMMUNITY CITY SCHOOL DISTRICT**

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Nothing in this policy will be deemed to prevent the Board from exercising its rights to non-renew, terminate, or suspend a teaching contract as provided by law and the terms of the collective bargaining agreement in effect between it and the SEA. The evaluation system and procedures set forth in this policy shall not create an expectation of continued employment for teachers on a limited contract that are evaluated under this policy. The Board reserves the right to nonrenew a teacher evaluated under this policy in accordance with R.C. 3319.11 notwithstanding the teacher's summative rating.

R.C. 3319.02, 3319.11, 3319.111, 3319.112, 3319.22, 3319.222, 3319.226

R.C. 3319.26, 3319.58, 3333.0411

A.C. 3301-35-03(A)

Sub. H.B. 362

H.B. 64 (2015)

Adopted 6/4/13

Revised 11/19/13

Revised 1/28/16

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PRIVACY PROTECTIONS OF SELF-FUNDED GROUP HEALTH PLANS

The Board of Education provides coverage to eligible employees under self-funded group health plans. The Board has established the following self-funded group health plans:

- A. Medical Plan
- B. Prescription Drug Plan
- C. Health Flexible Spending Accounts (FSA)

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule, as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Certain health information maintained by these group health plans is afforded significant protection by this Federal law.

The Board hereby appoints the Treasurer to serve as the Privacy Official of the group health plans. **The Privacy Official shall develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. The Privacy Official shall verify that the policies and procedures are current and comply with Federal law.** ~~The Board delegates authority to the Privacy Official to develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the use and disclosure of Protected Health Information. In the event that the HIPAA Privacy Rule is subsequently amended, the Privacy Official is directed to recommend to the Board necessary amendments to the policies and procedures.~~

~~The Board also acknowledges that the HIPAA Security Rule requires the group health plan(s) to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints the Superintendent to serve as the Security Official of the group health plans. The Board delegates authority to the Security Official to develop, propose to the Board, and implement policies and procedures for the group health plan(s) relating to the security of electronic Protected Health Information, if applicable. In the event that the HIPAA Security Rule is subsequently amended, the Security Official is authorized to recommend to the Board necessary amendments to the policies and procedures.~~

**The Board also acknowledges that the HIPAA Security Rule requires the group health plan(s) to implement various security measures with respect to electronic Protected Health Information. The Board hereby appoints Executive Director of Operations to serve as the Security Official of the group health plans. The Security Official shall conduct a risk analysis and develop, propose to the Board, and implement policies and procedures for the group health**

**BOARD OF EDUCATION  
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**plan(s) relating to the security of electronic Protected Health Information, if applicable. The Security Official shall verify that the policies and procedures are current and comply with Federal law.**

The Board further delegates authority to the Privacy Official and/or the Security Official to undertake such other actions as provided by the **HIPAA** administrative guidelines in effect from time to time. The Privacy Official and/or Security Official shall report his/her progress to the Board. ~~upon request. The Board reserves the right to revoke any or all delegations set forth in this policy at any time and for any reason.~~

~~Since the Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties (CMP) for violations of the HIPAA Privacy Rule and the HIPAA Security rule, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official for any CMP imposed upon the Privacy Official or Security Official in connection with the performance of his/her duties for the group health plans. Notwithstanding the foregoing language, the Board shall not indemnify the Privacy Official or Security Official in the event the CMP was imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official.~~

**The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not historically imposed these penalties directly upon individuals. Notwithstanding the foregoing, the Board agrees to indemnify and hold harmless the Privacy Official and Security Official in connection with the performance of their delegated duties for the group health plans, except to the extent that any liability is imposed as the result of intentional misconduct or gross negligence by the Privacy Official or Security Official as defined by law.**

**The group health plans administrator(s) shall provide timely notifications of breaches of unsecured protected health information in accordance with the Health Information Technology for Economic and Clinical Health (HITECH) Act and accompanying regulations.**

**The Board reserves the right to revoke any or all appointments set forth in this policy at any time for any reason.**

29 C.F.R. Part 1635  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
42 U.S.C. 1320d-5(a)(1)  
45 U.S.C. 160.102(a), 164.308(a)(2), 164.530(a), 164.530(i)

Adopted 8/26/14

PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

The Board of Education provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans: Dental Plan and Vision Plan.

The Board acknowledges that these group health plans are required to comply with the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The Board also acknowledges that these fully insured group health plans are required to comply with the HIPAA Security Rule. The group health plans, working together with the insurer, will ensure the confidentiality, integrity, and availability of the group health plans' electronic Protected Health Information in accordance with the HIPAA Security Rule.

~~The Board hereby appoints the Superintendent to serve as the Security Official of the group health plans. The Board delegates authority to the Security Official to perform an information technology risk analysis and to develop risk management procedures, if necessary.~~

The **Board hereby appoints the Executive Director of Operations to serve as the Security Official of the group health plans.** ~~shall review the insurer's internal policies and procedures implementing various security measures required by the HIPAA Security Rule with respect to electronic Protected Health Information.~~ All of the group health plans' functions are carried out by the insurer and the insurer owns and controls all of the equipment and media used to create, maintain, receive, and transmit electronic Protected Health Information relating to the group health plans. Accordingly, the insurer is in the best position to implement the technical, physical, and administrative safeguards required by the HIPAA Security Rule. ~~The Security Official may elect to utilize, as administrative guidelines, the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information, as appropriate.~~

**The Security Official does not have the ability to assess or adjust the insurer's policies related to the HIPAA Security Rule. Accordingly, unless otherwise determined by the Security Official, the group health plans shall utilize as administrative guidelines the insurer's own policies addressing security measures for the group health plans' electronic Protected Health Information.**

**The Department of Health and Human Services (HHS) has the authority to impose civil monetary penalties upon Covered Entities. HHS has not**



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The fully insured group health plans established by the Board shall:

- A. Refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful.
- B. Not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits.
- C. If the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan document as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.
- D. Provide notification to affected individuals, the Secretary of the U.S. Department of Health and Human Services, and the media (when required), if the plan or one of its business associates discovers a breach of unsecured protected health information, in accordance with the requirements of HIPAA and its implementing regulations.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

- A. Summary health information. Summary health information is de-identified information that summarizes claims history, claims expenses, or type of claims experienced by health plan participants.
- B. Information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.
- C. Information disclosed to the plan under a signed authorization that meets the requirements of the Privacy Rule.

29 C.F.R. Part 1635

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

45 C.F.R. 160.102(a), 164.530(g), 164.530(h), 164.530(j), 164.530(k), 164.404

45 C.F.R. 164.406, 164.408, 164.502, 164.520(a)

Revised 8/26/14

**NEW POLICY - VOL. 35, NO. 1**

**PATIENT PROTECTION AND AFFORDABLE CARE ACT**

The Board of Education acknowledges that the Patient Protection and Affordable Care Act (“ACA”) imposes certain obligations upon the District. Such obligations may include the following:

- A. The District shall notify new employees of health insurance options available through the Health Insurance Marketplace within fourteen (14) days of an employee’s employment start date. Sample form notices are available from the U.S. Department of Labor at:

<http://www.dol.gov/ebsa/healthreform/regulations/coverageoptionsnotice.html>

- B. Employees of the District have the option to enroll in the Health Insurance Marketplace. If a full-time employee (as defined by the ACA) of the District enrolls in the Health Insurance Marketplace and receives a subsidy, then the District may be liable for a penalty.

In event that the District concludes that it is fiscally-wise to incur the potential penalty in lieu of providing affordable, minimum value coverage to all full-time employees, the District shall incur the potential penalty.

29 USC 218B  
26 USC 4980H

**NEW POLICY - VOL. 35, NO. 1**

**GROUP HEALTH PLANS**

The Board of Education shall have discretion to establish and maintain group health plans for the benefit of eligible employees. The definition of group health plans as used in this policy may include, but is not limited to, major medical, prescription drug, dental and/or vision plans. These group health plans may provide certain health benefit plans to employees as permitted by law.

The Board has elected to provide minimum value health coverage for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents.

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Adopted 8/26/14

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Revised 8/26/14

**NEW POLICY - VOL. 35, NO. 1**

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29 USC 218B  
26 USC 4980H

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**NEW POLICY - VOL. 35, NO. 1**

**GROUP HEALTH PLANS**

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The Board has elected to provide minimum value health coverage for some or all of its eligible employees. The terms and conditions of the health coverage are set forth in the appropriate plan documents.

### STUDENT FUND-RAISING

The Board of Education acknowledges that the solicitation of funds from students by students must be limited since compulsory attendance laws make the student a captive donor and since such solicitation may disrupt the program of the schools.

For purposes of this policy, "student fund-raising" shall include student solicitation and collection of money for any purpose including collection of money in exchange for tickets, papers, or any other goods or services. "Student fund-raising" also includes giving away goods or services, but suggesting a monetary donation.

The Board will permit student fund-raising in school, on school property, or at any school-sponsored event only when the profit therefrom is to be used for school purposes or for an activity connected with the schools.

Student fund-raising by approved school organizations, whose funds are managed by the Treasurer, may be permitted in school by the principal. For any fund-raisers, including those operated by student clubs and organizations, parent groups, or boosters clubs, that involve the sale of food items and/or beverages to students that will be consumed on the school campus (any area of property under the jurisdiction of the school that is accessible to students during the school day) during the school day (the period from the midnight before, to thirty (30) minutes after the end of the official school day), the food items and/or beverages to be sold shall comply with the current USDA Dietary Guidelines for Americans and the USDA Smart Snacks in School nutrition standards, and also be consistent with requirements set forth in Policy 8550, Competitive Foods.

Student fund-raising by approved school organizations off school grounds may be permitted under administrative guidelines of the Superintendent.

**Use of the name, logo, or any assets of the District, including but not limited to facilities, technology, or communication networks, is prohibited without the specific permission of the Superintendent.**

**Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extracurricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval of the Curriculum Director. All crowdfunding activities are subject to AG 6605.**

Fund-raising by students on behalf of school-related organizations whose funds are not managed by the Treasurer may be permitted on school grounds in accordance with the Superintendent's administrative guidelines.

The administrative guidelines should:

- A. specify the times and places in which funds may be collected;
- B. describe permitted methods of solicitation which do not place undue pressure on students;
- C. limit the kind and amount of advertising for solicitation.

Advisors for approved school organizations shall not accept any form of compensation from vendors that might influence their selection of a vendor that will provide a fund-raising activity or a product that will be sold as a fund-raiser. Furthermore, advisors for approved school organizations shall not accept any compensation from a vendor after a decision has been made regarding a fund-raising activity or a product that will be sold as a fund-raiser. In addition, advisors for approved school organizations who make the selection of a vendor that will provide a fund-raising activity or a product that will be sold as a fund-raiser shall not enter into a contractual arrangement whereby an advisor receives compensation in any form from the vendor that provides a fund-raising activity or a product that will be sold as a fund-raiser.

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

The Superintendent shall distribute this policy and the guidelines which implement it to each student organization granted permission to solicit funds.

R.C. 1716.02, 1716.03, 3313.811  
Auditor of State Bulletin 2000-006  
7 C.F.R. Parts 210 and 220

Revised 1/22/15

**NEW POLICY**

**AUTHORIZATION TO MAKE ELECTRONIC FUND TRANSFERS**

The Board of Education authorizes electronic fund transfers (EFTs) for any purpose including direct deposit, wire transfer, withdrawal, investment, or payment, provided such EFTs are consistent with the provisions of R.C. Chapter 1304 and the Electronic Fund Transfer Act. Upon the recommendation of the Treasurer/CFO, the Board shall approve the financial institutions that are authorized to receive monetary transactions through electronic or other medium.

Upon the recommendation of the Treasurer/CFO, the Board shall then approve written agreements with financial institutions with whom EFTs will be made.

Such agreements shall set forth internal controls required by State law and State Administrative Code that will provide adequate integrity, security, confidentiality, and auditability of business transactions conducted by electronic commerce, including, but not limited to, the following:

- A. the official title of the bank account(s) subject to the agreement and each type of transaction approved, such as deposits, disbursements or transfers, shall be specified;
- B. the signatures of the Treasurer/CFO, and the employees authorized to initiate EFTs shall be contained therein;
- C. a requirement that the District maintain documentation signed by the initiator and authorizer of the EFTs to confirm the authenticity of the EFTs;
- D. a requirement that, when funds are properly delivered to the receiving institution, that institution agrees to become responsible for prompt and diligent processing of the funds;
- E. a requirement that written or printed documentation from the financial institution acknowledging such transactions, including but not limited to deposit slips, debit and credit memos, trust receipts, transfer acknowledgements, or cancelled warrants, shall be provided so that it may be kept in the official files of the District, which shall be maintained in a manner which facilitates easy review and validation of transactions.

All District staff shall comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, sending, communicating, receiving, storing, processing, using, and relying upon electronic records. Further, all District staff and other persons who use electronic signatures when completing transactions with the Board shall do so in compliance with State law.

R.C. Chapter 1304, Chapter 1306  
Electronic Fund Transfer Act, 92 Stat. 3728 (1978)  
15 U.S.C.A. 1693, as amended

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TAX BUDGET PREPARATION

The District's operation and educational plan is reflected in its budgets. Each year, the Board of Education will cause to have prepared and then review the General Fund as well as other funds which comprise the tax budget.

The tax budget shall be designated to carry out District operations in a thorough and efficient manner, maintain District facilities properly, and honor continuing obligations of the Board.

~~The Treasurer shall include in the budget a Budget Reserve Fund. The balance of which shall be not less than an amount equal to two (2) payrolls. If the Fund balance becomes less than an amount equal to two (2) payrolls, it shall be replenished in accordance with statute and/or rules established by the State Auditor and the Superintendent of Public Instruction. The Fund is not to be affected by the terms of a collectively bargained, negotiated agreement.~~

The Board directs the Treasurer to present the tax budget to the Board along with all available information associated with each fund prior to January 15th of each year.

When presented to the Board for review and/or adoption, the tax budget shall indicate the information required by the State Auditor's Office.

R.C. 5705.13, 5705.28(A)(1), 5705.281, 5705.29, 5705.30

Adopted 8/10/93  
Revised 6/23/98  
Revised 1/24/06

**NEW POLICY - VOL. 35, NO. 1**

**CROWDFUNDING**

This policy applies to the use of any form of crowdfunding utilizing an online service or website-based platform for the financial benefit or gain of the District – be it a specific classroom, grade level, department, school, or curricular or extracurricular activity. “Crowdfunding” refers to a campaign to collect typically small amounts of money from a large number of individuals to finance a project or fundraise for a specific cause. Through the use of personal networking, social media platforms, and other Internet based resources, funds are solicited or raised to support a specific campaign or project.

Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extracurricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval of the Curriculum Director.

All crowdfunding activities are subject to AG 6605.

## STUDENT RECORDS

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

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

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

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

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

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

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

A school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes), or support staff member (including health or medical staff and law enforcement unit personnel); and a person serving on the Board. The Board further designates the following individuals and entities as "school officials" for the purpose of FERPA:

- A. persons companies with whom the Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative, or medical consultant), and
- B. contractors, consultants, volunteers or other parties to whom the Board has outsourced a service or function otherwise performed by the Board employees (e.g. a therapist, authorized information technology (IT) staff, and approved online educational service providers)

The above-identified outside parties must (a) perform institutional services or functions for which the Board would otherwise use its employees, (b) be under the direct control of the Board with respect to the use and maintenance of education records, and (c) be subject to the requirements of 34 C.F.R. 99.33(a) governing the use and re-disclosure of PII from education records.

Finally, a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers) is also considered a "school official" for purposes of FERPA provided s/he meets the above-referenced criteria applicable to other outside parties.

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

The Board authorizes the administration to:

- A. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a private or public school or school district in which a student of this District is enrolled, seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that:
  - 1. a reasonable attempt is made to notify the student's parent or eligible student of the transfer (unless the disclosure is initiated by the parent or eligible student; or the Board's annual notification - Form 8330 F9 - includes a notice that the Board will forward education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer);
  - 2. the parent or eligible student, upon request, receives a copy of the record; and
  - 3. the parent or eligible student, upon request, has an opportunity for a hearing to challenge the content of the record;
- B. forward student records, including disciplinary records with respect to suspensions and expulsions, upon request to a juvenile detention facility in which the student has been placed, or a juvenile court that has taken jurisdiction of the student.**
- ~~B.C.~~ provide "personally-identifiable" information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;
- ~~C.D.~~ report a crime committed by a child to appropriate authorities, and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student's special education and disciplinary records to the authorities for their consideration;
- ~~D.E.~~ release de-identified records and information in accordance with Federal regulations;

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

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than representative of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to release information under this provision, the District will enter into a written agreement with the recipient organization that specifies the purpose of the study. (See Form 8330 F14.) Further, the following personally identifiable information will not be disclosed to any entity: a student or his/her family member's social security number(s); religion; political party affiliation; voting history; or biometric information.

While the disclosure of personally identifiable information (other than social security numbers, religion, political party affiliation, voting record, or biometric information) is allowed under this exception, it is recommended that de-identified information be used whenever possible. This reduces the risk of unauthorized disclosure.

- | **F.G.** disclose personally identifiable information from education records without consent, to authorized representatives of the Comptroller General, the Attorney General, and the Secretary of Education, as well as State and local educational authorities;

The disclosed records must be used to audit or evaluate a Federal or State supported education program, or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception. (See Form 8330 F16)

The District will verify that the authorized representative complies with FERPA regulations.

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

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

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

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

#### **DIRECTORY INFORMATION**

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

The Board designates school-assigned e-mail accounts as "directory information" for the limited purpose of facilitating students' registration for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes and for inclusion in internal e-mail address books.

School-assigned e-mail accounts shall not be released as directory information beyond this/these limited purpose(s) and to any person or entity but the specific online educational service provider and internal users of the District's Education Technology.

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

Parents and eligible students may refuse to allow the Board to disclose any or all of such "directory information" upon written notification to the Board within five (5) days after receipt of the Superintendent's annual public notice.

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

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

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

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

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

The parent of a student or an eligible student has the right to inspect upon request any instrument used in the collection of personal information before the instrument is administered or distributed to a student. Personal information for this section is defined as individually identifiable information including a student or parent's first and last name, a home or other physical address (including street name and the name of the city or town), a telephone number, or a Social Security identification number. In order to review the instrument, the parent or eligible student must submit a written request to the building principal at least five (5) business days before the scheduled date of the activity. The instrument will be provided to the parent or eligible student within two (2) business days of the principal receiving the request.



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

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

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

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

- A. inspect and review the student's education records;
- B. request amendments if the parent believes the record is inaccurate, misleading, or violates the student's privacy rights;
- C. consent to disclosures of personally-identifiable information contained in the student's education records, except to those disclosures allowed by the law;

- D. challenge Board noncompliance with a parent's request to amend the records through a hearing;
- E. file a complaint with the United States Department of Education;
- F. obtain a copy of the Board's policy and administrative guidelines on student records.

The Superintendent shall also develop procedural guidelines for:

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

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

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

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board of Education delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be redisclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board of Education. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

R.C. 9.01, 149.41, 149.43, 1347 et seq., 3113.33, 3319.321  
34 C.F.R. Part 99  
20 U.S.C., Section 1232f through 1232i (FERPA)  
26 U.S.C. 152  
20 U.S.C. 1400 et seq., Individuals with Disabilities Education Improvement Act  
20 U.S.C. 7165(b)  
20 U.S.C. 7908

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Revised 10/11/90  
Revised 9/10/93  
Revised 2/25/03  
Revised 4/27/04  
Revised 4/22/08  
Revised 2/22/11  
Revised 10/9/12  
Revised 1/22/15

RELATIONS WITH SPECIAL INTEREST GROUPS

Any request from civic institutions, charitable organizations, or special interest groups which involve such activities as patriotic functions, contests, exhibits, sales of products to and by students, sending promotional materials home with students, graduation prizes, fund raising, and free teaching materials must be carefully reviewed to ensure that such activities promote student interests.

It is the policy of the Board of Education that students, staff members, and District facilities not be used for promoting the interests of any nonschool agency or organization, public or private, without the approval of the Board or its designee; and any such approval, granted for whatever cause or group, shall not be construed as an endorsement of said cause or group by this Board.

**A. Political Interests**

All materials or activities proposed by outside political sources for student or staff use or participation shall be reviewed by the Superintendent and no such approval shall have the primary purpose of advancing the special interest of the proposing group.

The Board shall permit the use of educational materials, programs, and equipment which contains commercial messages providing the content of such messages and the manner of presentation has been approved by the Superintendent and is in compliance with the District's administrative guidelines.

In addition, the Board shall permit school organizations and/or school-affiliated groups to sell space in District facilities, on District property, or in District publications for the express purpose of advertising the products or services of a commercial organization, providing the content of such advertisements and the manner of their presentation has been approved by the Superintendent and is in compliance with the District's administrative guidelines.

Outside speakers representing commercial organizations will be welcome only when the commercial aspect is limited to naming the organization represented and the subject matter advances the educational aims of the District.

**B. Contests/Exhibits**

The Board recognizes that commercial contests, exhibits, and the like may benefit individual students or the District as a whole, but participation in such special activities may not:

1. have the primary effect of advancing a special product, group, or company;
2. make unreasonable demands upon the time and energies of staff or students or upon the resources of the District;
3. involve any direct cost to the District;
4. cause the participants to leave the School District, unless the Board's policy 2340 – Field and Other District-Sponsored Trips – has been complied with in all aspects.

**C. Distribution/Posting of Literature**

No outside organization or staff member or student representing an outside organization may distribute or post literature on that organization's behalf on District property either during or after school hours without the permission and prior review of the Superintendent.

The Superintendent shall develop guidelines that:

1. establish criteria concerning distribution or posting of student materials;
2. permit flyers and notices from outside non-profit organizations to be made available for students to pick-up at the literature distribution rack/table by the school building's office, under the following circumstances:
  - a. the flyer/notice publicizes a specific community activity or event that is age-appropriate for the students that attend the school;
  - b. if the event or activity is religious in nature, the flyer may not contain a proselytizing message (i.e., a message that promotes and/or advocates the benefits of the specific religion);

- c. the organization submits the number of copies of the flyer that it wants placed in the literature distribution rack/table;
- d. the organization shows the building principal its 501(C)(3) or other proof of non-profit status, and the principal confirms that the flyer/notice does not overtly advocate or entice support for any religious organization.

No student shall be required to take any of the flyers/notices placed in the literature/distribution rack/table, and the rack/table shall contain a clear notice that the Board does not support or endorse any of the organizations and/or activities/events identified in the flyers/notices.

**D. Solicitation of Funds**

Any outside organization or staff member representing an outside organization desiring to solicit funds on school property must receive permission to do so from the Superintendent.

Permission to solicit funds will be granted only to those organizations, ~~or~~ individuals, **or staff members** who meet the permission criteria established in the District's administrative guidelines. Solicitation must take place at such times and places and in such a manner as specified in the administrative guidelines. In accordance with Board Policy 5830, no District student may participate in the solicitation without the Superintendent's approval.

The Board disclaims all responsibility for the protection of, or accounting for, such funds.

Solicited funds are not to be deposited in any regular or special accounts of the District.

A copy of this policy as well as the relevant administrative guidelines shall be given to any individual granted permission to solicit funds on District property.

This policy does not apply to the raising of funds for District-sponsored or school-sponsored activities.

**Use of the name, logo, or any assets of the District, including, but not limited to facilities, technology, or communication**

**networks, is prohibited without the specific permission of the Superintendent.**

**Crowdfunding activities aimed at raising funds for a specific classroom or school activity, including extracurricular activity, or to obtain supplemental resources (e.g., supplies or equipment) that are not required to provide a free appropriate public education to any students in the classroom may be permitted, but only with the specific approval of the Curriculum Director.**

**All crowdfunding activities are subject to the procedures/guidelines in AG 6605.**

**E. Prizes/Scholarship**

The Board of Education is appreciative of the generosity of organizations which offer scholarships or prizes to deserving students in this District. But, in accepting the offer of such scholarships or prizes, the Board directs that these guidelines be observed:

1. No information either academic or personal shall be released from the student's record for the purpose of selecting a scholarship or prize winner without the permission of the student who is eighteen (18), or the parents of a student who is younger in accordance with the Board's policy on student records.
2. The principal, together with a committee of staff members designated by the principal, may be involved in the selection of the recipient.

**F. Sale of School Supplies**

In determining the appropriateness of the sale of school supplies by organizations other than the School District, the Board requires that:

1. The organization have a purpose which will benefit the School District and its students.
2. The organization's planned activities are clearly in the best interest of the School District and its students.

All funds generated by the sale of school supplies shall be kept separate from other activity funds or other transactions of the Board.



**G. Surveys and Questionnaires**

Neither district-related or nondistrict-related organizations shall be allowed to administer a survey or questionnaire to students or staff unless the instrument and the proposed plan is submitted, in advance, to the Superintendent. If approved, a copy of the results and the proposed manner of their communication are to be provided to him/her for review and approval before they are released.

Students shall not be required to complete surveys and shall be informed that their participation is voluntary prior to administering any survey. The District shall not enter into any contract for products or services, including electronic media services, where personal information will be collected from the students by the providers of the services.

See also Policy 2416.

R.C. 3313.75-.78

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