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## 1520 - **EMPLOYMENT OF ADMINISTRATORS**

The Board of Education recognizes that it is vital to the successful operation of the District that administrative positions created by the Board be filled with highly qualified and competent personnel. The Board may contract with the governing board of the educational service center from which it otherwise receives services to conduct searches and recruitment of candidates for assistant superintendent, Director, assistant director, and other administrator positions.

Individuals employed in the following categories shall be considered members of the administrative staff:

- A. Directors
- B. Assistant Directors
- C. Supervisors
- D. Food Service Managers
- E. \_\_\_\_\_
- F. \_\_\_\_\_
- G. \_\_\_\_\_
- H. \_\_\_\_\_

The Board shall only employ those candidates nominated by the Superintendent, unless otherwise authorized by law (see below).

### **Qualifications for Employment**

**[X ]** In accordance with the provisions of R.C. 3319.031, the Board may assign specified powers and duties to one (1) or more administrators.

Any person employed as an assistant superintendent, Director, assistant director, or other administrator shall possess a valid certificate/license issued pursuant to Ohio law and shall file a copy of his/her certificate/license with the District.

As a prerequisite to employee pay, the Superintendent must first issue to the Treasurer a written statement that confirms each administrator has filed with the Superintendent both a copy of all valid licenses as well as copies of any reports required by the State Board or this Board to demonstrate his/her qualification to assume an educational administrator position. No administrator employed in a position for which licensure is required may be paid until evidence of such appropriate licensure for the position has been received by the Superintendent and transmitted to the Treasurer.

**[X]** Any administrator's intentional misstatement of fact material to qualifications for employment or reemployment, or to the determination of salary, shall be considered by the Board to constitute grounds for dismissal.

To the extent permitted by law, the Board may request the State Board of Education to issue a two (2) year alternative administrative specialist license or a one (1) year alternative principal license to a candidate recommended by the Superintendent for an administrative position, provided the candidate is of good moral character and meets the requirements set forth by the State Board of Education.

Relatives of Board members may be employed by the Board, provided the member of the Board does not participate in any way in the discussion or vote on the employment when such a conflict of interest is involved.

**[X]** An individual who is related to [a] staff member[s] may be employed as an administrator by the Board provided the administrator is not placed in a position in which s/he will supervise directly the staff member to whom s/he is related.

**[X]** Applications for employment as an administrator will not be accepted from any current District Board member. If a Board member wishes to apply for a position on the administrative staff, his/her resignation must be accepted by the Board prior to submitting an application.

**[X]** The employment of administrative staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in the educational program. Employment shall be recommended to the Board at the next regular meeting.

Prior to employment, the candidate selected must pass a background check performed by the Bureau of Criminal Identification and Investigation and/or the Federal Bureau of Investigation.

### **Term of Employment**

The Board shall approve the employment, determine the compensation, and establish the term of said employment for each administrator employed by the Board. Individuals may be employed as administrators pursuant to a limited contract for a term not to exceed three (3) years, unless the individual has been employed by the Board as an administrator in the District for three (3) or more years, in which case his/her term of the contract shall be for not more than five (5) years and, unless the Superintendent recommends otherwise, not less than two (2) years. If, however, the Superintendent so recommends, the term of the contract of an individual who has been employed as an administrator in the District for three (3) years or more may be for one (1) year. All subsequent contracts granted to such individual must be for a term of not less than two (2) years and more than five (5) years.

The Superintendent may recommend and the Board may approve the reemployment of an administrative staff member at any regular or special meeting held during the period beginning on the first day of January of the calendar year immediately preceding the year of expiration of the employment contract and ending on the first day of June in the year the employment contract expires.

The Board may, by a three-fourth's (3/4's) majority vote of its full membership, reemploy an assistant superintendent, Director, assistant director, or other administrator whom the Superintendent refuses to nominate. The term of an administrator so employed shall be ~~(-) in accordance with the same terms for those administrators who are recommended for employment by the Superintendent~~, as set forth above **(x)** one (1) to five (5) years, dependent upon the administrator's prior length of service in the District.

If need be, and to the extent permitted by law, the Board may request the State Board of Education to issue a two (2) year alternative administrative specialist license or a one (1) year alternative principal license to an administrator whom the Superintendent has refused to nominate for reemployment in an administrative position, provided the candidate is of good moral character and meets the requirements set forth by the State Board of Education.

Before taking action to renew or non-renew the contract of any administrator and prior to the first day of June of the year in which the administrator's contract expires, the Board shall notify each such administrator of the date his/her contract expires and inform the administrator that s/he may request a meeting with the Board to discuss its reasons for considering renewal or non-renewal of his/her contract. Upon the request of the administrator, the Board shall meet with him/her in executive session. The administrator shall be permitted to have a representative of his/her choice present at that meeting.

If the Board fails to provide the evaluations as required by Board Policy or if the Board fails to provide, following the request of the administrator, a meeting for the purpose of discussing the Board's reasons for considering renewal or non-renewal of the administrator's contract, then the administrator shall be automatically reemployed at the same salary plus any increments that may be authorized by the Board, and the term of reemployment shall be one (1) year, unless the individual has been employed as an administrator by the District for three (3) years or more in which case the reemployment shall be for a term of two (2) years.

Furthermore, an administrator shall be deemed reemployed upon expiration of his/her contract term unless the administrator notifies the Board to the contrary on or before the fifteenth day of June, or unless the Board either reemploys the administrator for a succeeding term or gives written notice of its intent not to reemploy the administrator on or before the first day of June in the year in which said contract expires. In such instances, the reemployment shall be at the same salary plus any increments that may be authorized by the Board, and the term of reemployment shall be one (1) year, unless the individual has been employed as an administrator by the District for three (3) years or more in which case the reemployment shall be for a term of two (2) years.

**[X]** Any administrator's intentional misstatement of fact material to qualifications for employment or reemployment, or to the determination of salary, shall be considered by this Board to constitute grounds for dismissal.

**[X]** All administrators shall become familiar with the policies of the Board and other such guidelines, regulations, memoranda, bulletins, and handbooks that pertain to their duties in the District. Any administrator employed by the Board who shall be guilty of any willful violation of the policies of the Board shall be guilty of gross insubordination and shall be subject to dismissal or such lesser penalty as the Board may prescribe.

Except by mutual agreement of the parties thereto, no administrator shall be transferred during the term of his/her contract to a position of lesser responsibility. Furthermore, no contract may be terminated or suspended except in accordance with State law.

The Superintendent shall prepare administrative guidelines for the recruitment and selection of administrative staff.

R.C. 3319.01, 3319.02, 3319.031, 3319.07, 3319.16, 3319.17, 3319.171, 3319.27, 3319.36

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R.C. 3319.01, 3319.02, 3319.0131, 3319.07, 3319.16, 3319.17, 3319.171, 3319.27, 3319.36

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Title	Vol. 38, No. 2 - January 2020 Revised GIFTED EDUCATION AND IDENTIFICATION
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Last Reviewed	March 16, 2020

#### 2464 - **GIFTED EDUCATION AND IDENTIFICATION**

The Board of Education shall ensure that procedures are established to identify all gifted students. The District follows the identification eligibility criteria as specified in Section 3324.03 of the Ohio Revised Code and the Operating Standards for Identifying and Serving Gifted Students as specified in the District Plan.

"Gifted" students perform or show potential for performing at remarkably high levels of accomplishment when compared to others of their age, experience, or environment. Annually, children who are gifted are identified by professionally qualified persons using a variety of assessment procedures. The Board encourages efforts to provide services for the children who are gifted as an integral part of the total kindergarten through grade 12 program.

The Superintendent shall identify children in grades kindergarten through twelve, who may be gifted in one or more of the following areas:

A. Superior Cognitive Ability

B. Specific Academic Ability in one or more of the following content areas:

1. Mathematics
2. Science
3. Reading, writing, or a combination of these skills
4. Social studies

C. Creative Thinking Ability

D. Visual or Performing Arts Ability such as drawing, painting, sculpting, music, dance, drama.

Only those instruments approved by the Ohio Department of Education shall be used for screening, assessment, and identification of children who are gifted as provided in the Chart of Approved Gifted Identification/Screening Instruments. The District shall select instruments from the approved list that will allow for appropriate screening and identification of minority and disadvantaged students, students with disabilities, and students for whom English is a second language.

Scores on Ohio Department of Education approved assessment instruments provided by other school districts and trained personnel outside the School District shall be accepted.

The Board of Education shall adopt and the Superintendent shall submit to the Ohio Department of Education a plan for the screening, assessment, and identification of children who are gifted. Any revisions to the District plan will be submitted to the Ohio Department of Education for approval. The identification plan shall include the following:

- A. the criteria and methods used to screen and select children for further assessment who perform or show potential for performing at remarkably high levels of accomplishment in one of the gifted areas
- B. the sources of assessment data used to select children for further testing and an explanation to parents of the multiple assessment instruments required to identify children who are gifted
- C. an explanation for parents of the methods used to ensure equal access to screening and further assessment by all District children, culturally and linguistically diverse children, children from low socio-economic background, children with disabilities, and children for whom English is a second language
- D. the process of notifying parents regarding all policies and procedures concerning the screening, assessment, and identification of children who are gifted
- E. provision of an opportunity for parents to appeal any decision about the results of any screening procedure for assessment, the scheduling of children for assessment, or the placement of a student in any program or for receipt of services
- F. procedures for the assessment of children who transfer into the District
- G. provisions for students to withdraw from gifted programs and services
- H. at least two (2) opportunities a year for assessment in the case of children requesting assessment or recommended for assessment by teachers, parents, or other students

The District's plan may provide for contracting with any qualified public or private service provider for screening or assessment services under the plan.

The Superintendent shall:

- A. ensure equal opportunity for all children identified as gifted to receive any or all services offered by the District;
- B. implement a procedure for withdrawal of children from District services and for reassessment of children;
- C. implement a procedure for resolving disputes with regard to identification and placement decisions;
- D. inform parents of the contents of this policy as required;
- E. submit, as required, an annual report to the Ohio Department of Education.

Placement procedures for District services shall be in conformance with the District's written criteria for determining eligibility for placement in those services.

- A. Written criteria for determining eligibility for placement in a gifted service shall be provided to any parent, District educator, or the Ohio Department of Education upon request.
- B. Written criteria provided by the District shall include an explanation of the methods used to ensure equal access to each gifted service for all eligible District students, including minority or disadvantaged students, students with disabilities, and students for whom English is a second language.
- C. Services which students receive shall be consistent with their area(s) of identification and shall be differentiated to meet their needs.
- D. Subjective criteria such as teacher recommendations shall not be used to exclude a student from service in the superior cognitive and specific academic areas who would otherwise be eligible.
- E. All District students who meet the written criteria for a gifted service shall be provided an equal opportunity to receive that service.

~~The Superintendent shall implement all policies and procedures in accordance with laws, rules and regulations, and follow the Operating Standards for Identifying and Serving Gifted Students.~~

The Superintendent shall implement all policies and procedures in accordance with timelines and other requirements of laws, rules and regulations, and follow the Operating Standards for Identifying and Serving Gifted Students.

The Superintendent shall develop a plan for the service of gifted students enrolled in the District identified under this policy. Gifted services shall occur during the typical instructional day with flexibility allowed for the scheduling of District-approved internships or mentorships and higher education coursework, including credit flexibility. Services specified in the plan may include such options as the following:

- A. a differentiated curriculum
- B. differentiated instruction
- C. cluster groupings
- D. mentorships/internships
- E. whole grade acceleration (see Policy 5410)
- F. subject acceleration (see Policy 5410)
- G. early entrance (see Policy 5112)
- H. early high school graduation (see Policy 5464)
- I. dual enrollment opportunities including but not limited to college credit plus
- J. advanced placement/international baccalaureate courses/international baccalaureate courses
- K. honors classes
- L. magnet schools
- M. self-contained classrooms
- N. resource rooms
- O. independent study/educational options
- P. advanced online courses and programs
- Q. services from a trained arts instructor
- R. other options identified in the rules of the Ohio Department of Education

A Written Education Plan (WEP) will guide the gifted services based on the student's area(s) of identification and individual needs. The Written Education Plan shall:

- A. provide a description of the services to be provided;
- B. identify staff members responsible for providing that specific services are delivered;
- C. implement a procedure for resolving disputes with regard to identification and placement decisions;
- D. specify policies regarding the waiver of assignments and the scheduling of tests missed while participating in any gifted services provided outside the general classroom if different from the District policy detailed below;
- E. specify a date by which the WEP will be reviewed for possible revision.

The WEP shall be developed in collaboration with an educator who holds licensure or an endorsement in gifted education. The WEP shall include goals for the student, methods and performance measurements for evaluating progress on the goals, and a schedule for reporting progress to students and parents.

Parents and all educators responsible for providing gifted education services to the student, including teachers providing differentiated instruction in general education settings, shall be provided a copy of the WEP.

Students participating in gifted services provided outside the general education classroom will generally be exempted from routine class work (worksheets, homework, etc.) assigned during absences from the regular classroom due to participation in the gifted services. Students are to turn in work due the day of absence and make arrangements to make up missed tests. Special class work (projects, book reports, etc.) assigned during the student's absence are to be completed. Exceptions to this policy will be detailed in the student's Written Education Plan.

The District shall report to parents and the Ohio Department of Education that a student is receiving gifted education services only if the services are provided in conformance with the *Operating Standards for Identifying and Serving Gifted Students*.

Each year, the District shall submit data and participate in program audits as required by the Department.

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Legal R.C. 3301.07(K), 3324.01 - 3324.07, 3315.09, 3317.022, 3317.024, 3317.051  
R.C. 3317.40  
A.C. 3301-35-01, 3301-35-06, 3301-51-15

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Last Reviewed	March 16, 2020

### 3120.04 - **EMPLOYMENT OF SUBSTITUTE TEACHERS**

The Board of Education recognizes the need to procure the services of substitute teachers in order to continue the operation of the schools as a result of the absence of regular personnel.

~~The Superintendent shall recommend and the Board shall approve employ substitutes teachers for assignment as services are required to replace temporarily absent regular teachers and fill new positions. Substitute teachers whose license limits them to teach for only one (1) semester in a class will be approved by the Board before the start of each semester. Such assignment Employment of substitute teachers may be terminated when their services are no longer required.~~

The Superintendent shall recommend and the Board shall approve substitute teachers to replace temporarily absent regular staff members and fill new positions. Substitute teachers whose license limits them to teach for only one (1) semester in a class will be approved by the Board before the start of each semester. Employment of substitute teachers may be terminated when their services are no longer required.

Substitutes must possess a valid Ohio professional license or substitute ~~license~~ teaching license to serve as a substitute. No professional staff member employed in a position for which licensure is required may be paid until evidence of such appropriate licensure for the subject area, grade level, or position, etc. has been received by the Superintendent and transmitted to the Treasurer. ~~unless the Superintendent believes the person's application information indicates the person has the qualifications to receive a teacher's license. Such a person may be employed on a conditional basis for a period not to exceed sixty (60) days from the date the person submits a request for a license to the Department of Education through the date the Superintendent receives the person's valid teaching license. If the license is not delivered within the time period, the person's employment is to be terminated.~~

Substitutes also must pass a background check performed by the Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation (see Policy 3121).

Substitutes may be required to undergo a tuberculosis examination in accordance with law and at the direction of the Ohio Department of Health or the local health department.

In order to retain well-qualified substitutes for service in this District, the Board will offer competitive compensation at a rate set annually by the Board.

A substitute employed for more than sixty (60) days in one (1) specific position will be placed at the minimum salary on the current teachers' salary schedule (e.g. BA/0) and will be eligible for fringe benefits provided ~~regular teachers~~ regular teachers, including sick leave.

~~B~~ Casual or daily substitutes shall not earn sick leave nor be paid for days when students are not required to attend school.

R.C. 2909.34, 3307.381(A), 3317.13, 3319.10, 3319.101, 3319.36, 3319.39





Book	Policy Manual
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Title	Vol. 38, No. 2 - January 2020 Revised EMPLOYMENT OF PERSONNEL IN SUMMER SCHOOL AND ADULT EDUCATION PROGRAMS
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Last Reviewed	March 16, 2020

### 3120.05 - **EMPLOYMENT OF PERSONNEL IN SUMMER SCHOOL AND ADULT EDUCATION PROGRAMS**

The Board of Education recognizes that the success of the summer school and adult education programs depends in large measure upon the employment of qualified and competent personnel.

The Board shall fix the compensation and set the term of employment for each person employed in the subject programs established for this District. The Board will employ only those candidates recommended by the Superintendent.

A candidate's intentional misstatement of fact material to his/her qualifications for employment or the determination of his/her salary will be considered by the Board to constitute grounds for dismissal.

~~[-]~~ No candidate for employment shall receive recommendation for such employment without having proffered visual evidence of proper licensing, if needed or that application for such licensing if in process. In accordance with Policy 3120, no professional staff member employed in a position for which licensure is required may be paid until evidence of such licensure has been received by the Superintendent and transmitted to the Treasurer.

Personnel also must pass a background check performed by the Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation (see Policy 3121).

~~[ ] Adult education instructors who do not have unsupervised access to children may forego the FBI criminal records checks if, within the previous five (5) years period, they have continuously resided in Ohio.~~

R.C. 2909.34, 3307.381, 3319.10, 3317.13, 3319.36, 3319.39

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Legal R.C. 2909.34, 3307.381, 3319.10, 3317.13, 3319.36, 3319.39

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### 3120.08 - **EMPLOYMENT OF PERSONNEL FOR CO-CURRICULAR/EXTRA-CURRICULAR ACTIVITIES**

The Board of Education may employ professional staff for co-curricular/extra-curricular activities. However, the Board may find it necessary to employ, on a part-time basis, coaches or activity sponsors who are not members of the professional staff. Such part-time employees

- ☒ may be members of the District's
  - ☒ classified staff
  - ☒ support staff
  - ☒ or individuals from the community or nearby areas.

The Board authorizes the Superintendent

- ☒ to recommend candidates for employment by the Board.
- ☒ to act for the Board in employing such part-time staff.

Each coach or activity sponsor shall hold a valid Pupil Activity Program Permit issued by the State Board of Education under R.C. 3319.303(A), have any other necessary qualifications, have been properly interviewed, and shall sign an employment contract which includes the conditions of employment, compensation arrangements, and contract termination procedures. An employee must submit a copy of an active Pupil Activity Program Permit to both the Treasurer/CFO and the Superintendent before the Board will pay any compensation.

In accordance with Policy 3120, no staff member, coach, or activity sponsor employed in a position for which licensure or permit is required may be paid until evidence of such appropriate licensure or permit valid for the effective dates of such services has been received by the Superintendent and transmitted to the Treasurer.

[X.] The Board will not allow any prospective coach or activity sponsor to engage in supervision and/or coaching activities until such time that a valid Pupil Activity Permit for that individual is filed with the District.

Personnel must also pass a background check performed by the Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation (see Policy 3121).

The Board may renew the contract of any nonlicensed individual, currently employed by the Board for one or more years, without first offering the position held by that individual to employees of the District who are licensed individuals or advertising the position as available to any qualified licensed individuals who are not currently employed by the Board unless otherwise prohibited by a collective bargaining agreement.

No individual employed by the Board for any co-curricular or extra-curricular activity may accept compensation from any third party or source, including, but not limited to booster, parent or other District support organizations, for the performance of

his/her official duties or as a supplement to his/her compensation from the Board.

No individual serving as a volunteer for co-curricular/extra-curricular activities may accept compensation from any third party or source, including, but not limited to booster, parent or other District support organizations, for the performance of his/her official duties as a volunteer on behalf of the Board.

R.C. 2909.34, 3319.303, 3319.36, 3313.53, 3313.539, 3319.39

A.C. 3301-27-01, Ohio Ethics Commission Advisory Opinion 2008-01

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R.C. 2909.34, 3319.303, 3319.36, 3313.53, 3313.539, 3319.39

A.C. 3301-27-01, Ohio Ethics Commission Advisory Opinion 2008-01

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### 3120 - **EMPLOYMENT OF PROFESSIONAL STAFF**

The Board of Education recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with highly qualified and competent personnel.

The Board shall approve the employment, and also, when not covered by the terms of a negotiated, collectively-bargained agreement, fix the compensation and establish the term of employment for each professional staff member employed by the Board.

Individuals employed in the following categories shall be considered members of the professional staff:

- A. Coordinators
- B. Instructors / Teachers
- C. Counselors
- D. \_\_\_\_\_
- E. \_\_\_\_\_
- F. \_\_\_\_\_

**[X]** Such approval shall be given only to those candidates for employment recommended by the Superintendent or by another individual designated by the Board in the event that the Superintendent's nomination would be a violation of R.C. 2921.42.

Relatives of Board members may be employed by the Board, provided a member of the Board does not participate in any way in the discussion or vote on the employment when a conflict of interest is involved.

**[ ]** ~~The Board will not employ (but may reemploy) the~~

~~(-) children, siblings, spouse, parents, in-laws, or bona fide dependents (IRS criteria) of a Board member.~~

~~(-) children, siblings, spouse, parents, in-laws, or bona fide dependents (IRS criteria) of a regular full-time professional staff member.~~

**[X]** Applications for employment will not be accepted from any current District Board member. If a Board member wishes to apply for a position, his/her resignation must be accepted by the Board prior to submitting an application and the Board member must not use or attempt to use his/her official authority or influence to secure the employment position.

**[X]** Any professional staff member's intentional misstatement of fact or omission material to qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal.

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

**[X]** The employment of professional staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in the educational program. Employment shall be recommended to the Board at the next regular meeting.

~~**[X]** No candidate for employment as a professional staff member shall receive recommendation for such employment without having proffered visual evidence of proper licensing or that application for such licensing is in process.~~

Professional staff must also pass a background check performed by the Bureau of Criminal Identification and Investigation and the Federal Bureau of Investigation (see Policy 3121).

The Superintendent shall prepare administrative guidelines for the recruitment and selection of all professional staff.

### **Confirmation of Licensure**

As a prerequisite to employee pay, the Superintendent must first issue to the Treasurer a written statement that confirms each teacher and/or professional employee has filed with the Superintendent both a copy of all valid licenses as well as copies of any reports required by the State Board or this Board to demonstrate his/her qualification to teach in all assigned subject and grade levels of instruction and/or a professional educator position. No professional staff member employed in a position for which licensure is required may be paid until evidence of such appropriate licensure for the subject area, grade level, or position, etc. has been received by the Superintendent and transmitted to the Treasurer.

R.C. 2909.34, 2921.01, 2921.42, 3319.02, 3319.07, 3319.11, 3319.21, ~~3319.23—.282, 3319.283~~ 3319.23-.28, 3319.283

R.C. 3319.301, 3319.36, 3319.39

20 U.S.C. 6319

20 U.S.C. 7801

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Legal                      R.C. 2909.34, 2921.01, 2921.42, 3319.02, 3319.07, 3319.11, 3319.21, 3319.23 - .28, 3319.283  
                                 R.C. 3319.301, 3319.36, 3319.39  
                                 20 U.S.C. 6319  
                                 20 U.S.C. 7801

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#### 4120.08 - **EMPLOYMENT OF PERSONNEL FOR CO-CURRICULAR/EXTRA-CURRICULAR ACTIVITIES**

The Board of Education may find it necessary to employ, on a part-time basis, coaches or activity sponsors who are not members of the professional staff. Such part-time employees

☒ may be members of the District's

☒ classified staff

☒ support staff

☒ or individuals from the community or nearby areas.

The Board authorizes the Superintendent

☒ to recommend candidates for employment by the Board.

☒ to act for the Board in employing such part-time staff.

Each coach or activity sponsor shall hold a valid Pupil Activity Program Permit issued by the State Board of Education under R.C. 3319.303(A), have any other necessary qualifications, have been properly interviewed, and shall sign an employment contract which includes the conditions of employment, compensation arrangements, and contract termination procedures.

No staff member employed in a position for which licensure or permit is required may be paid until evidence of such appropriate licensure or permit valid for the effective dates of such services has been received by the Superintendent and transmitted to the Treasurer.

[X.] The Board will not allow any prospective coach or activity sponsor to engage in supervision and/or coaching activities until such time that a valid Pupil Activity Permit for that individual is filed with the District.

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

The Board may renew the contract of any nonlicensed individual, currently employed by the Board for one or more years, without first offering the position held by that individual to employees of the District who are licensed individuals or advertising the position as available to any qualified licensed individuals who are not currently employed by the Board unless otherwise prohibited by a collective bargaining agreement.

R.C. 2909.34, 3313.53, 3319.291, 3319.303, 3319.36, 3319.39

A.C. 3301-27-01, Ohio Ethics Commission Advisory Opinion 2008-01

Legal

R.C. 2909.34, 3313.53, 3319.291, 3319.303, 3319.36, 3319.39

A.C. 3301-27-01, Ohio Ethics Commission Advisory Opinion 2008-01



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#### 4120 - **EMPLOYMENT OF CLASSIFIED STAFF**

The Board of Education recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with qualified and competent personnel.

The Board shall approve the employment, and also, when not covered by the terms of a negotiated, collectively-bargained agreement, fix the compensation and establish the term of employment for each classified staff member employed by this District.

Individuals employed in the following categories shall be considered members of the classified staff:

- A. Assistant Treasurer
- B. Cafeteria/Banquet Workers
- C. Custodial / Security Worker
- D. Distribution Center Clerk / Bus Driver
- E. Distribution Center Coordinator
- F. Education Aide / Aides
- G. Lead Teacher
- H. Maintenance Coordinator
- I. Maintenance Security / Technician
- J. Parent Coordinator
- K. Payroll Clerk
- L. Receptionists
- M. Secretaries

☒ Such approval shall be given only to those candidates for employment recommended by the Superintendent.

~~☐ Such approval shall be given only to those candidates for employment chosen by the Board from a group selected by the Superintendent.~~

~~☐ When any recommended candidate has been rejected by the Board, the Superintendent shall make a substitute recommendation.~~

☒ All applications for employment shall be referred to the Superintendent.

Relatives of Board members may be employed by the Board, provided a member of the Board does not participate in any way in the discussion or vote on the employment when conflict of interest is involved.

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

~~**[ ]** The Board will not employ (but may reemploy) the~~

~~**(-)** children, siblings, spouse, parents, in laws, or bona fide dependents (IRS criteria) of a Board member.~~

~~**(-)** children, siblings, spouse, parents, in laws, or bona fide dependents (IRS criteria) of a regular full time classified staff member.~~

**[X ]** Applications for employment will not be accepted from any current District Board member. If a Board member wishes to apply for a position, his/her resignation must be accepted by the Board prior to submitting an application, and the Board member must not use or attempt to use his/her official authority or influence.

**[X ]** Any classified staff member's intentional misstatement of fact material to his/her qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal.

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

**[X ]** The employment of classified staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in District operations. Employment shall be recommended to the Board at the next regular meeting.

**[X ]** When appropriate, no candidate for employment as a classified staff member shall receive recommendation for such employment without having proffered visual evidence of proper certification or that application for such certification is in process.

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

#### **[X.] REQUIREMENTS FOR TITLE I PARAPROFSSIONAL**

Educational aides/paraprofessionals assigned to provide academic support in a core subject area to any student in any program supported by Title I funds must be properly certified as required by the Elementary and Secondary Education Act, as amended ("ESEA") and State law. A properly certified paraprofessional is defined as an individual who holds a valid educational aide permit and who meets at least one (1) of the following criteria:

- A. has a designation of "ESEA qualified" on the educational aide permit
- B. has successfully completed at least two (2) years of coursework at an accredited institution of higher education
- C. holds an associate degree or higher from an accredited institution of higher education
- D. meets a rigorous standard of quality as demonstrated by attainment of a qualifying score on an academic assessment specified by the department of education

"Core subject areas" include Reading, English Language Arts, Mathematics, Science, Social Studies, Foreign Language, and Fine Arts. These provisions regarding licensure do not apply to paraprofessionals providing non-instructional service such as providing technical support for computers, providing personal care services, or performing clerical duties.

The Superintendent shall report State certification and licensure status for every paraprofessional at least annually in accordance with State and Federal law. At the start of the school year, the Superintendent shall notify parents/guardians of each student enrolled in the District that they may request information about the professional qualifications of each paraprofessional who provides services to the student. Upon request of the parent/guardian, the District will provide information about each assigned paraprofessional in a timely manner. The information will include the qualifications of the paraprofessional(s) assigned to work with the student.

#### **[.] Confirmation of Licensure**

No staff member employed in a position for which licensure is required (e.g. paraprofessional) may be paid until evidence of such appropriate licensure for the subject area, grade level, or position, etc. has been received by the Superintendent and transmitted to the Treasurer.

The Superintendent shall prepare procedures for the recruitment and selection of all classified staff.

R.C. 2909.34, [3319.074](#), 3319.081, 3319.082, 3319.39

A.C. 3301-83-07

[ESEA 1112](#)

[20 U.S.C. 6319](#)

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Legal

R.C. 2909.34, 3319.074, 3319.081, 3319.082, 3319.39

A.C. 3301-83-07

ESEA 1112

20 U.S.C. 6319

Book	Policy Manual
Section	Vol.38, No. 2 - REVISIONS
Title	Vol. 38, No. 2 - January 2020 Revised EMPLOYMENT CONTRACT
Code	po4124.revised
Status	
Adopted	December 19, 2012
Last Reviewed	March 16, 2020

#### 4124 - **EMPLOYMENT CONTRACT**

The Board of Education requires for the mutual protection of the District and the classified staff member that every newly employed person in a classified position including regular hourly rate and per diem classified staff sign an initial employment contract for a period of not more than one (1) year.

The employment contract shall include the term for which employment is contracted, the salary, and such other matters as may be necessary to a full and complete understanding of the contract. In order to ensure employment, the applicant must sign the contract and abide by the policies of the Board which pertain to him/her.

If classified staff are rehired, their three (3) subsequent contracts shall be for a period of two (2) years each. At the end of the third of these two (2) year contracts, if the classified staff member is renewed, it will be under a continuing contract.

Notice of the Board's intention not to re-employ a classified staff member shall be given on or before the first day of June.

Annual salary notices for the succeeding contract year shall be provided to classified staff no later than the first day of July.

Salaries provided to classified staff by contract may not be reduced unless such reduction is part of a uniform plan affecting the nonteaching employees of the entire District.

~~Classified staff who are rehired shall be offered a two (2) year contract. After completion of the two (2) year contract, if the classified staff member is rehired, the classified staff member shall be on a continuing contract and the salary provided in the last contract shall be matched or increased but may not be reduced unless such reduction is part of a uniform plan affecting all classified staff of the District.~~

~~Notice of contract renewal must be given annually to each classified staff member on or before June 1st.~~

R.C. 3319.081, ~~et seq.~~, 3319.082, 3319.083

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Legal R.C. 3319.081, 3319.082, 3319.083

Book	Policy Manual
Section	Vol.38, No. 2 - REVISIONS
Title	Vol. 38, No. 2 - January 2020 Revised DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS
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Status	
Adopted	December 19, 2012
Last Revised	December 17, 2018
Last Reviewed	March 16, 2020

#### **4162 - DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS**

The Board of Education believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the school vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with Board-owned and/or operated ("Board-owned") vehicles must be mentally and physically alert at all times while on duty. To that end, the Board has established this policy and others related to employees' health and well-being.

For purposes of this policy and the guidelines associated with the policy, the following definitions shall apply:

- A. The term illegal drug means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and local laws and regulations.
- B. The term controlled substance includes any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally-obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions.
- C. The term controlled substance abuse includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.
- D. The term safety-sensitive functions includes all tasks associated with the operation and maintenance of Board-owned vehicles. This term further includes any period in which an individual is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.
- E. The term CDL license holder means all regular and substitute bus drivers, other staff members who may drive students in Board-owned vehicles or inspect, repair, and maintain Board-owned vehicles.
- F. The term while on duty means all time from the time the CDL license holder begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.

The Board expects all CDL license holders to comply with Board Policy 4122.01 on Drug-Free Schools which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on school property at all times. Further, the Board concurs with the Federal requirement that all CDL license holders should be free of any influence of alcohol or controlled substance while on duty.

The Board directs the Superintendent to establish a drug and alcohol testing program whereby each regular and substitute bus driver, as well as any other staff member who holds a CDL license, is tested for the presence of alcohol in his/her system as well as for the presence of the following controlled substances:

- A. Marijuana
- B. Cocaine
- C. Opioids
- D. Amphetamines
- E. Phencyclidine (PCP)

**[ ] OPTION #1**

The drug tests are to be conducted in accordance with Federal and State regulations a.) prior to employment, (Controlled Substances Only), b.) for reasonable suspicion~~cause~~, c.) upon return to duty after any alcohol or drug rehabilitation, d.) ~~after any post~~-accident, e.) on a random basis, and f.) on a follow-up basis.

**[X ] OPTION #2**

The drug tests are to be conducted in accordance with Federal and State regulations a.) prior to employment, b.) for reasonable suspicion~~cause~~, c.) upon return to duty after any alcohol or drug rehabilitation, d.) ~~after any post~~-accident, e.) on a random basis, and f.) on a follow-up basis.

**[X ]** Candidates shall also be tested for the presence of alcohol in their system prior to employment.

**[END OF OPTIONS]**

Any staff member who tests positive shall immediately be prohibited from performing or continuing to perform his/her safety-sensitive functions (e.g., driving any Board-owned vehicle) and be referred to the District's Employee Assistance Program.

Furthermore, if during any test the lab determines that an adulterant has been added to the specimen, then:

- ( ) the test will be considered positive and the employee shall be prohibited from driving any school vehicle and be referred to the District's Employee Assistance Program.
- ( ) the employee will be re-tested with an observed collection to prevent the addition of an adulterant to the specimen.

Any staff member who refuses to submit to a test shall immediately be prohibited from performing or continuing to perform his/her safety-sensitive functions (e.g., driving any Board-owned vehicle).

Staff members who voluntarily disclose that they have an addiction to alcohol or controlled substances may participate in the Employee Assistance Program, and will qualify for the receipt of medical insurance benefits for treatment of alcohol or substance abuse, including follow-up care, to the extent that such benefits are provided for or offered in the Board's health insurance package. Voluntary disclosure of an alcohol or drug addiction by a staff member will not subject the staff member to disciplinary action unless such disclosure is made after the staff member is selected to be tested or immediately prior to the selection of staff members to be tested. Nothing herein shall prevent the Board from disciplining a staff member for misconduct associated with his/her alcohol and/or drug use regardless of whether the employee has disclosed that s/he has an alcohol or drug addiction.

If a staff member admits to failing a previous drug or alcohol test, or has refused to test, the staff member will not be permitted to perform safety-sensitive functions until completing the return-to-duty process.

A staff member will be subject to disciplinary action, up to and including termination, for any of the following reasons:

- A. reports for duty or performs work while having an alcohol concentration of 0.04 or greater or performs safety-sensitive functions within four (4) hours after using alcohol
- B. reports for duty or performs work while testing positive for using a controlled substance~~prohibited drug~~, or while being under the influence of a controlled substance~~prohibited drug~~
- C. refuses to disclose any therapeutic drug use or submit to drug and/or alcohol testing
- D. alters or attempts to alter or unduly influence alcohol and/or drug testing results

- E. fails to remain readily available for post-accident testing (including refraining from the use of alcohol for eight (8) hours following the accident or until undergoing a post-accident alcohol test, whichever occurs first, and notifying his/her supervisor of his/her location, if the staff member leaves the scene of the accident prior to the submission of a post-accident test, unless the staff member's departure is to obtain necessary emergency medical care)

Prior to the beginning of the testing program, the Board shall provide a drug-free awareness program which will inform each CDL license holder about:

- A. the dangers of illegal drug use and controlled substance and alcohol abuse;
- B. Board Policy 4122.01 - Drug-Free Workplace, Policy 4161 -Unrequested Leaves of Absence/Fitness for Duty, Policy 4170 - Substance Abuse, and Policy 4170.01 - Employee Assistance Program;
- C. the topics identified in AG 4162A;
- D. the sanctions that may be imposed for violations of Policy 4122.01.

All time spent undergoing an alcohol or controlled substance test, including travel time, will be paid at the staff member's regular rate of pay, or at his/her overtime rate, if applicable. Any staff member who is not allowed to return to work while awaiting test results will be compensated during the waiting period for all work time lost, including overtime, if applicable. The Board shall pay all costs associated with the administration of alcohol and controlled substance tests. This includes testing of the "split specimen" at a Federally certified laboratory if so requested by a staff member. Requests for a "split specimen" must be made within seventy-two (72) hours of receipt of the notification of a positive drug test. The Board will not pay for the employee's time while not on duty, if the split specimen test results are positive.

Alcohol and drug test results shall be protected as confidential medical records as appropriate under Federal law~~the Americans With Disabilities Act~~ (i.e. test results shall be provided on a right to know basis - the employee, the employer, and the substance abuse professional - and the results shall not be presented until analyzed by a Medical Review Officer).

A tested individual, upon written request, will be promptly provided copies of ~~have access to~~ any records relating to his/her use of drugs and alcohol, including any records pertaining to his/her drug and alcohol tests. A tested individual must provide ~~written authorization~~specific written consent before his/her test result can be provided to any other person except as required by law~~a government agency specified in the applicable Federal regulations~~.

All tests shall be conducted in accordance with Federal testing guidelines and be performed by a laboratory that is Federally certified. ~~(i.e. testing procedures and devices used will be as set forth in 49 C.F.R. Part 40).~~

The alcohol and drug testing program shall be under the direction of the Superintendent.

The Superintendent shall arrange for the required amount of training for appropriate staff members in drug recognition, in the procedures for testing, and in the proper assistance of staff members who are subject to the effects of substance abuse.

The Superintendent shall submit, for Board approval, a contract with a certified laboratory to provide the following services:

- A. testing of all first and second test urine samples
- B. clear and consistent communication with the District's Medical Review Officer (MRO)
- C. methodology and procedures for conducting random tests for controlled substances and alcohol
- D. preparation and submission of all required reports to the District, the MRO, and to Federal and State governments

The Superintendent shall also select the agency or persons who will conduct the alcohol breathalyzer tests, the District's MRO, and the drug collection site(s) in accordance with the requirements of the law.

### **Notification**

A tested candidate shall be notified of the results of a pre-employment controlled substances test conducted under this part, if the driver requests such results within sixty (60) calendar days of being notified of the disposition of the employment application.

A tested individual shall be notified of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. The tested individual shall also be informed which controlled substance or substances were verified as positive.

The Superintendent shall make reasonable efforts to contact and request each driver who submitted a specimen under the employer's program, regardless of the driver's employment status, to contact and discuss the results of the controlled substances test with a medical review officer who has been unable to contact the driver.

The Superintendent shall immediately notify the medical review officer that the driver has been notified to contact the medical review officer within seventy-two (72) hours.

Individuals holding a CDL license must notify all current employers of any DOT violations (such as testing positive for the presence of alcohol or a controlled substance in violation of this policy). The notification must be made 1) by the end of the business day following the day the individual first receives notice of the violation or 2) prior to performing any safety-sensitive function, whichever comes first. Individuals are not required to notify the employer that administered the test or that documented the circumstances giving rise to the violation.

In the event that an individual is selected for testing, the Superintendent will inform the individual that the test is required by applicable law.

### **Reporting Test Results**

The Superintendent shall prepare and maintain a summary of the results of its alcohol and controlled substances testing programs performed under this policy during the previous calendar year, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers. Such summaries shall be submitted in a manner and timeline as required by law.

### **Educational Materials Related to Certain Federal Regulations, Board Policies, and Procedures**

CDL License Holders and other employees who perform safety-sensitive functions will be provided educational materials that discuss the employer's policies and procedures with respect to post-accident information and positive test results, among other things, at the time of hire or at any time when required to operate a school vehicle. The educational materials shall explain the requirements of applicable Federal regulations and the Board's policies and District's procedures with respect to meeting these Federal regulations. The Board designates the ( **x** ) Director of Business Affairs as the individual responsible for providing educational materials to CDL License Holders and other employees who perform safety-sensitive functions. The educational materials will include, at a minimum, the following:

- A. the contact information for the ( **x** ) Director of Business Affairs , who is the individual designated by the Board to answer questions about the educational materials
- B. a statement that all CDL License Holders and other employees who perform safety-sensitive functions are subject to Federal law addressing ~~49 C.F.R. 382, which is a Federal regulation that addresses~~ the misuse of alcohol and other controlled substances
- C. information sufficient to make clear to employees the period of the work day during which they are required to comply with the regulations
- D. information concerning prohibited conduct
- E. the circumstances under which employees are subject to testing for alcohol and/or controlled substances
- F. the procedures for testing for the presence of alcohol and controlled substances in order to protect the employee and the integrity of the testing process, to safeguard the validity of the test results, and to confirm the results are attributed to the correct employee, including post-accident information, procedures, and instructions required under Federal regulations
- G. the requirement that staff members must submit to alcohol and controlled substance testing as required by the regulations
- H. an explanation of what constitutes a refusal to be tested for alcohol or controlled substances and the attendant consequences
- I. the consequences of testing positive, including the requirements of immediate removal from safety-sensitive functions, and the procedures regarding referral, evaluation, and treatment



- J. the consequences for employees found to have an alcohol concentration of 0.02 or greater but less than 0.04
- K. information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol problem (the employee's or a co-worker's); and available methods of intervening when a drug or alcohol and/or controlled substances problem is suspected (including confrontation and how to refer someone to an Employee Assistance Program or to management), and
- L. information regarding the requirement that certain personal information collected and maintained under Federal law~~49 C.F.R. Part 382~~ be reported to the Commercial Driver's License Drug and Alcohol Clearinghouse
- M. indicating that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including alcohol, is prohibited on all school board property and at school-sponsored activities. Individuals are strictly prohibited from reporting to work or being on duty while under the influence of alcohol or a controlled substance.

These materials are to be distributed to each staff member upon being hired or transferred into a covered position thereafter. ~~A staff member who refuses to sign the requisite statement shall be prohibited from performing any safety-sensitive functions. Each staff member must sign a statement certifying receipt of these materials.~~ Each staff member will receive a copy of the educational materials and must sign a statement certifying receipt of such materials. A staff member who refuses to sign the requisite statement shall be prohibited from performing any safety-sensitive functions. Each employee (and a labor organization representing Board employees) shall receive written notice of the availability of this information, and the identity of the Board's designated representative in charge of answering ~~employee~~ questions about the materials.

### **Return-to-Duty (Safety-Sensitive Positions)**

Employees who are removed from performing safety-sensitive functions as a result of this policy must take and pass a return-to-duty test before returning to performing safety-sensitive functions. The return-to-duty test will not occur until after a Substance Abuse Professional (SAP) has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties. The employee will not be permitted to perform safety-sensitive functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the return-to-duty test.

Subject to any collective bargaining agreement or other legal requirements, employees who are eligible to return to performing safety-sensitive functions may not do so without the approval of the Superintendent.

49 C.F.R. Part 382  
 34 C.F.R. Part 40  
34 C.F.R. Part 84

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Legal	49 C.F.R. Part 382
	34 C.F.R. Part 40
	34 C.F.R. Part 84

Book	Policy Manual
Section	Vol.38, No. 2 - REVISIONS
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Last Reviewed	March 16, 2020

#### 6107 - **AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS AND TO USE ELECTRONIC SIGNATURES**

Unless a provision of law ~~enacted after September 14, 2000,~~ specifically prohibits the use of an electronic record for the specified purpose, the Board of Education authorizes the acceptance and distribution/transmission of electronic records and electronic signatures to and from District staff and other persons, as well as between District staff members. The Board further authorizes District staff to create, generate, send, communicate, receive, store, process, use, and rely upon electronic records and electronic signatures. The Superintendent shall put in place measures to protect the integrity, security, and accessibility of electronic signatures and electronic records to comply with the mandates of State and Federal agencies or programs, including Medicaid.

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.

~~The Superintendent is authorized to develop administrative guidelines concerning~~With regard to the acceptance and distribution/transmission of electronic records and electronic signatures.~~After giving due consideration to security,~~ the Superintendent may specify the following:

- A. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored, and the systems established for those purposes.
- B. If electronic records must be signed by electronic means, the type of electronic signature that is required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met, by any third party used by a person filing a document to facilitate the process.
- C. Control processes and procedures as appropriate to provide for adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.
- D. Any other required attributes for electronic records that are specified for nonelectronic records or reasonably necessary under the circumstances.

~~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.~~

15 U.S.C. 7001 et seq.

Ohio Revised Code Chapter 1306

Legal

15 U.S.C. 7001 et seq

Ohio Revised Code Chapter 1306