



2020-2021

Staff

Handbook

Essex Place
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Independence, OH 44131

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www.escneo.org

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*This publication is written and produced by the Educational Service Center of Northeast Ohio
Essex Place, 6393 Oak Tree Blvd. South, Independence, OH 44131 (216) 524-3000, Fax: (216) 524-3683*



September 8, 2020

Dear Colleague:

Welcome! I want to say both hello and welcome back to what I hope will be a great 2020-2021 school year.

Our philosophy at the Educational Service Center is grounded in “service” to students, school districts, and agencies. We provide services to all of our school districts in Northeast Ohio and beyond.

Other services operated under the auspices of our Governing Board are:

1. Local School Districts
2. City/County Services
3. Contract services for school districts
4. Professional staff development and training
5. Programs, Services and Special Education
6. Employment of General and Special Education personnel for school districts
7. Consortiums and Cooperatives
8. Fiscal agent services

This service mindset toward districts and students is also extended internally to helping our staff. You are always welcome to call or visit anyone in the Educational Service Center of Northeast Ohio office. My door is always open, and I look forward to meeting you.

This handbook has been developed to assist the Educational Service Center of Northeast Ohio staff in following the necessary procedures required by law as well as to assist them on a day to day basis in their work.

The handbook is divided into two parts. The first part is a ***procedural guide*** for all personnel. It covers a variety of items as listed in the Table of Contents. When appropriate, the specific Governing Board Policy is indicated at the beginning of each item. The second part is taken directly from the Educational Service Center Policy Manual. All relevant ***personnel policies*** are included. The complete policy manual and all employee forms are available on our website – www.escneo.org.

Our central office staff has created a partner document that compiles the appropriate employee forms necessary to follow the ESC Governing Board Policies and Administrative Guidelines.

The following page lists staff housed in our office and who may be of assistance to you from time to time.

Please feel free to call upon us.

Sincerely,

Dr. Robert A. Mengerink,
Superintendent

Office Staff – 2020-2021 (Staff located at 6393 Oak Tree Blvd.)

Robert (Bob) Mengerink	Superintendent
Jennifer Dodd	Director of Operations and Development
Steve Rogaski	Director of Human Resources and Pupil Service
Keith Bell	Director of Leadership Services
Russ Bennett	Director of Leadership Services
Patti Cleary	Director of Leadership Services
David (Dave) Laurenzi	Director of Leadership Services
Nadine Grimm	Coordinator of 21 st Century Learning
Paula Kucinic	Director of Professional Development and Technology
William (Bill) Zelei	Director of Business Services
Stephanie DeMichael	Curriculum Consultant, Educational Technology
Amy Harker	Northeast Regional Career & Innovation Specialist
Kathleen Clingerman Dann	Educator Quality Consultant
Mindy Geschke	Educator Quality Consultant
Christy Roshong	Educator Quality Consultant
Kathleen Scott	Educator Quality Consultant
Michele Shrefler	Director of Educator Quality Programs
Anthony Pizzuti	School Climate Regional Field Coord. NE Ohio Quadrant
Michael Coury	Curriculum Consultant
Bob Glavan	Curriculum Consultant
Jennifer Morgan	Curriculum Consultant
Chris Pelphrey	Curriculum Consultant
Andrew Pinney	Curriculum Consultant
Kelly Stukus	Curriculum Consultant
Lea Travis	Curriculum Consultant
Sue Coughlin	Administrative Assistant
Cindy Goga	Administrative Assistant
Alison Crowe	Administrative Assistant
Leanne Long	Administrative Assistant
Mark Miller	Administrative Assistant
Mary Pramik	Administrative Assistant
Karen Reynolds	Administrative Assistant
Michele Ware	Administrative Assistant
Kerri Yarbrough	Administrative Assistant
Jessica Schenek	HR Specialist
Kimberly Sperling	HR Specialist

Finance (Located at Oak Tree Blvd.)

Bruce Basalla	Treasurer
Margaret Bay	Financial Specialist – Accounts Receivable
Betty Beach	Financial Specialist - Payroll
Loren Cross	Financial Specialist - Payroll
Leslie DeDauw	Financial Specialist - Payroll
Anya Goroshko	Financial Specialist - Accounts Payable
Jeanne Kline	Assistant Treasurer
Christina Kowalski	Financial Specialist - Payroll
Rhonda Schultz	Financial Specialist - Payroll
Joel Snider	Fiscal Services Officer
Darlene Summerville	Financial Specialist - Payroll

Gifted/Talented Supervisors

Beth Burdick Shelly Cassese Amy Cruse David Dewey Martha Dragelevich Susan Forbes Rochelle Grady Beverly Veccia Michele Wargo Elizabeth Wilson-Fish	North Royalton City Schools, Strongsville City Schools All Portage County Student Activities, Chardon, Local Schools, Cuyahoga Heights Local, Fairview Park City Schools Madison Local, Richmond Heights Local, Wickliffe City Schools All Portage County Student Activities, Waterloo Local Schools, James A. Garfield Schools Rocky River Twinsburg City Schools South Euclid-Lyndhurst Independence Local Schools, Revere Local Schools Euclid City Schools
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Special Education Supervisors

Lisa Adler Laurie Albright Robin Kline Dana Lambacher Mary Wideman	PASSPORT School Program East Cleveland Preschool Crossroads Day Treatment Teachers of the Hearing and Visually Impaired Capstone Academy
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Transition / Work Study Coordinator

Linda Hile, Work-Study - Maple Heights City Schools, PASSPORT School Program, Shaker Heights City Schools

North Coast Educational Media Center (Located at OakTree Blvd.)

Roni Staimpel	Director
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Ohio Online Learning Program (Located at Oak Tree Blvd.)

Kajal Brazwell Cheryl Kloscak Kim Petrik, Alexa DelRusso, Debra Fisher, Regina Parks, Amy Kasperczyk, Dan Ogilvy, Joe DiCicco, Jaime Furda, Julie Kemper, Ashley Mitko	Program Coordinator Administrative Assistant Student Learning Advocates
EMIS (Located at Oat Tree Blvd.)	
Patience Moody Rush Barbara Boris, Cherlon McAlpine, Joe Kay, Carol Hutchinson, Amy Lange	Coordinator / Specialist EMIS Data Specialists EMIS Data Specialists EMIS Data Specialist

State Support Team – Region 3 (SST3) (Located at Oak Tree Blvd)

Kris Balestra	Consultant
Angela Chapple-Wang	Consultant
Jacqueline Dietrich	Consultant
Carly Evans	Consultant
Michele (Shelly) Gaski	Director of School Improvement
Tom Hanicak	Consultant
Roger Howard	Consultant
Lynn Hruschak	Curriculum Coordinator
Kathy Jillson	Consultant - Early Childhood
John Komperda	Consultant
Victoria Lewis	Consultant
Terri McIntee	Specialist - Parent / Family
Bev Metzger	Consultant
Heather Miller	Consultant
Candace Muetzel	Consultant - Early Learning
Patti Porto	Consultant
Sharon Reedus-Sanders	Consultant
Robert Ross	Consultant
Susan Schraff	Assistant Director / Special Education
Lisa Scott	Consultant
Lindsay Slater	Coordinator - School Improvement
Jessica Tresko	Consultant
Margaret Watson	Consultant
Linda Thayer	Specialist Career Tech
Stephanie Van Dyke	Consultant
Karen Brayer	Administrative Assistant
Yvonne Daycak	Administrative Assistant
Theresa Richardson	Administrative Assistant

Attendance Officers

Wayne Schneider	Olmsted Falls City Schools
Ron Stih	Richmond Heights Local Schools, Beachwood City Schools, Orange City Schools
Charles Walukas	Cuyahoga Heights Local, Independence Local, Brecksville-Broadview Heights City Schools
Paul Schmidt	Crestwood Local Schools, Waterloo Local Schools

Student Wellness Department (Located at Oak Tree Blvd.)

Mary Wise	Student Wellness Coordinator
Denise Pietrzak	System Navigator
Heather Corcoran	System Navigator
Cathy Papp	System Navigator
Meghan KanagaRaj	School Climate Consultant
Linda Blanch	School Climate Consultant
Kristine Koslowski	Project Assistant

PRE4CLE (Located at Oak Tree Blvd.)

Katie Kelly	PRE4CLE Director
Michelle Connavino	PRE4CLE Operations & Outreach Specialist

Ohio Department of Education – Finance Program Services**Serving Ashtabula, Cuyahoga, Geauga, Lake, Mahoning, Portage, Summit, and Trumbull Counties** (Located at Oak Tree Blvd.)

Jack Nairus, Ron Victor	Area Coordinators
Leanne Sidley	Region 8 Coordinator

Bright Beginnings

(Located at Oak Tree Blvd.)

Karen Mintzer Angela Lowder Melissa Bixel Andersky, Amanda Austin-Dickson, Frechic Babik, Lori Babione-Hensley, Beth Barker, Lori Bernard, Samantha Bonner, Tracy Brake, Alaina Bratke, Sharon Bright, Christel Britton, Sarah Chavers, Chalisa Claudio, Jennifer Clellen, Cheryl Coakwell, Jeanine Dickey, Reba Fawver, Erin Gilcher, Michelle Gizzo, Elizabeth Halliday, Polina Herrin, Amy Hibinger, Megan Hinton, Jasmine Hurd, Terri Johnstone, Jennifer Keith-Jackson, Sharnae Kneitel, Janet Lacki, Kristine Levin, Kylie Mainor, Porcia Markiewicz, Toni Mesaros, Judith Miller, Louise Moe, Teresa Moffet, Amy Montes Torres, Maria Montgomery, Charisse Moore, Wazirah Murphy, Joella Netzel, Kathleen Norman, Kishona O'Donnell, Therese O'Leary, Morgan Oritz, Marysol Parker, Kathryn Perez, Elaine Piccola, Cari Pitnatiello, Madelaine Prokesh, Vicki Quinones, Nelly Schiafone, Mary Simpson, Shanett Stewart, Laura Sullivan, Amber Sundra, Maria Vacca, Karen Vanyo, Heidi Wagner, Emily Washington, Nicole Webb, Lisa Wetzel, Edward Whitten, Courtney Wright, Marian Zantall, Shannon	
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INTRODUCTION

Welcome to the Educational Service Center of Northeast Ohio (ESCNEO). We are pleased that you are joining our ESCNEO organization as an employee and we look forward to working with you. Please review this Handbook carefully and feel free to ask any questions.

PURPOSE OF THE HANDBOOK

This Handbook was prepared to give you important information about the ESCNEO as your payroll and fiscal employment agent and information in regards to your employment and personnel procedures and policies and what you can expect from the Human Resources Department and what we will expect of you. It will help avoid misunderstandings and provide answers to questions that arise during your employment with the ESCNEO.

Naturally, no Handbook can cover every situation. The ESCNEO administration has the authority and right to make the final decisions they think are best within the framework of the policies and procedures described in this Handbook.

It is our intent to maintain all the policies, procedures, and benefits described in this Handbook, but we must reserve the right to make changes at any time, with or without advance notice.

EMPLOYEE CRIMINAL BACKGROUND CHECKS

Bureau of Criminal Identification and Investigation (BCI & I)

Criminal Background Checks – Employees

The employment contract is contingent on a satisfactory criminal record check as required by law and the individual employed pursuant to a contract shall be deemed employed only on a conditional basis until the report of a satisfactory check has been received. Information obtained about the convictions/charges will be evaluated to determine whether the nature of the offense permits or prohibits employment.

All new employees will be subject to;

- Bureau of Criminal Investigation and Identification (BCI&I) fingerprint/background check within the last twelve (12) months at employees' expense.
- Federal Bureau of Investigation (FBI) national background check at employees' expense within the last twelve (12) months at employees' expense.

An FBI background check is required if the report on file with the Ohio Department of Education (ODE) is more than 5 years old at the date the application is received. A BCI&I background check is required if you do not have one on file with ODE.

Both the BCI&I and FBI background checks are required if the reports on file with ODE are more than five years old on the date the application is received.

THIS DOES NOT APPLY TO SCHOOL BUS AND SCHOOL VAN DRIVERS

LICENSURE

A term and condition for employment for any ESCNEO position are that all employees are required to hold a valid Ohio Department of Education (ODE) license required for the position. **A current copy of the valid license or proof of application by August 15 is required to be included in the personnel file at the ESCNEO Human Resources department.**

Obtaining, updating, and filing of a valid license with the ESCNEO office is the responsibility of all of our employees. It is *required* that personnel meet the requirements for renewal and updating of their license. **Our office will assist you, but that does not relieve you of the responsibility to have a valid license. ORC requires employees to hold a valid license for the position for which they are employed prior to receiving compensation and without the appropriate licensure can be grounds for termination.**

Obtaining, updating, and filing of a valid Ohio Department of Education (ODE) license with the ESCNEO office is the responsibility of the employee. It is *required* that personnel meet the requirements for renewal and updating of their license by following the procedures in the ESC's Professional Development Manual.

It is also the responsibility of all of our Para-Professional classified positions to secure an *Educational Aide* permit from the ODE and is updated **annually unless a four-year permit has been secured. Our office will assist you, but that does not relieve you of the responsibility to have a valid permit.**

New Employee Pre-Employment Paperwork

A term and condition for employment as a Teacher Substitute for the ESCNEO are that all employees are required to complete, submit and update all necessary pre-employment paperwork which includes an application, payroll, retirement, taxes, and any other documentation needed to be onboarded and pre-approved for employment. Falsification of any pre-employment paperwork or documentation may be grounds for immediate termination.

PROFESSIONAL CONDUCT FOR OHIO EDUCATORS

All educators employed by the ESCNEO are expected to behave in a professional manner that reflects the status and substance of a public school professional with the responsibility of providing high-quality education to every student. The *Licensure Code of Professional Conduct for Ohio Educators* serves as the basis and guide for conduct appropriate for all certified staff employed by the ESCNEO and as a professional licensed by the Ohio State Board of Education.

Ohio Revised Code 3319.31 states that engaging in an immoral act, incompetence, negligence, or conduct that is unbecoming to the person or person's position can result in license suspension, revocation, or limit license renewal.

ESCNEO complies with the aforementioned *Licensure Code of Professional Conduct for Ohio Educators* and Ohio Revised Code and applies the same professional expectations to employees regarding job performance and communications to its employees.

Unless otherwise stated in this Handbook, employees are expected to conform to the same requirements, policies, and procedures as employees of those districts or agencies in which they perform their duties, including but not limited to requirements regarding absence reporting, dress code, student disciplinary procedures, distribution of literature, and use of internet and technology.

Employees are expected to discharge their duties in a professional, responsible, honest, and legally compliant manner at all times. Employees who fail to comply with law, regulations, directives, policies, administrative guidelines, rules of professional conduct, and/or this handbook or otherwise fail to appropriately discharge the duties of their position may be subject to discipline, including but not limited to suspension and/or termination from employment.

RESIDENT EDUCATOR PROGRAM

The Ohio Resident Educator program provides beginning teachers with four years of formal support which includes instructional mentoring. This support is designed to foster the beginning teacher's sense of autonomy and efficacy through self-assessment, mentor observation and feedback, analysis, and use of student data and goal setting. Successful completion of the four-year residency is required to advance to a five-year professional license.

The Educational Service Center of Northeast Ohio (ESCNEO) provides a Resident Educator program as a service to districts and charter/community schools and the beginning teachers employed through these organizations. Regular program meetings and formal mentor support provide beginning teachers with the framework to enhance teaching and learning within their classrooms supporting student achievement and success.

Additionally, the ESCNEO provides training and networking opportunities for mentors to gain a deeper understanding of the principles of mentoring and coaching, as well as hands-on practice in conducting observations of these beginning teachers.

LOCAL PROFESSIONAL DEVELOPMENT COMMITTEE (LPDC)

The Educational Service Center of Northeast Ohio's Local Professional Development Committee is responsible for reviewing and approving all Individual Professional Development Plans (IPDP) and professional development activities that educators propose/complete for the purpose of licensure maintenance and renewal. The LPDC meets every second Tuesday of the month during the school year.

All certificated employees are required to submit an Individual Professional Development Plan (IPDP) outlining professional development goals for the current licensure cycle *PRIOR* to beginning any professional development activities to be used towards licensure renewal. The IPDP must be submitted to the committee within *sixty (60) days* of being hired and/or receiving the initial five-year professional license. The plan must be revised at the beginning of each new licensure cycle. Regardless of the number of licenses held individuals are only required to complete and submit one Individual Professional Development Plan. Annual workshops are held by the LPDC to assist educators in filing their plans and professional development activities with the committee.

Employees are encouraged to review the ESCNEO Local Professional Development Committee's handbook which can be found on the ESCNEO website. Questions regarding the Local Professional Development Committee can be directed to lpdc@escneo.org.

PAYROLL

Pay Days

In general, employees are paid 24 times per year on the working date nearest the 15th and the last day of the month.

DIRECT DEPOSIT

ESCNEO direct deposit of your paycheck to your checking or savings account automatically is MANDATORY FOR ALL EMPLOYEES. Appropriate forms will be provided to you for your authorization. Direct deposit is available to any bank, checking account, savings account, or credit union by providing a copy of a voided check.

It is the responsibility of the ESCNEO employee to alert the payroll department of any changes in personal banking information.

Time Sheet Due Dates

Employees working on an as-needed basis on timesheets **must** adhere to the timesheet Due Date Schedule in order to get paid on time. (see forms on www.escneo.org website)

FRINGE BENEFITS

All full-time employees are entitled to the following benefits:

- Group Medical – Employee pays a Board approved amount of premium.
- Group Dental – Employee pays a Board approved amount of premium.
- Group Vision – Employee pays a Board approved amount of premium.

Group Life – Governing Board paid. A minimum of eighteen (18) hours per week is required for eligibility for Group Life Insurance.

Group Liability – Governing Board paid. **All ESCNEO employees are covered by liability insurance.**

State Teachers Retirement System (STRS) or School Employees Retirement System (SERS) – treated as an annuity only. The employee pays 14% share for STRS or 10% for SERS. The Governing Board pays 14%.

SPOUSAL CARVEOUT

An employee's spouse is not eligible to participate in ESCNEO's medical plans if the spouse has access to coverage through their employer. This rule applies regardless of cost differences and/or network access between ESCNEO's medical plans and the plan(s) available to the spouse. This does not apply to dental or vision.

It is the responsibility of all ESCNEO employees to notify Human Resources within thirty (30) days of any change of the access to medical coverage for their spouse. **If a spouse does not have access to coverage elsewhere, he/she is permitted to participate in ESCNEO's medical plans.**

OPTIONAL GROUP LIFE

Group Life is provided to all employees through MetLife who work twenty (18) hours or more per week through. This is not an employer-sponsored program. You are responsible for 100% of the costs.

TOBACCO SURCHARGE

Effective April 1, 2015, the ESCNEO will implement a Tobacco usage surcharge of \$50 per month (\$600 per year) for employees who use tobacco and/or nicotine products and participate in ESCNEO's health plans provided through Cigna or MetroHealth. Employees will be asked to complete a Tobacco Use Affidavit annually.

- One is considered a **tobacco-user** if you: have used tobacco or nicotine products (cigarettes, cigars, chewing tobacco, snuff, e-cigarettes) within the last 90 days regardless of the frequency or location (this includes daily, occasionally, socially, at home only, etc.).
- One is considered a **non-tobacco-user** if you: are currently using or have not used any form of tobacco or nicotine (cigarettes, cigars, chewing tobacco, snuff, e-cigarettes) within the last 90 days in any amount (including occasional social use).

CHANGE IN BENEFITS

If a change in benefits is desired (birth, death, divorce, marriage, spouse job loss), you must contact the ESCNEO Personnel Office **within 30 days of the change**. Open enrollment for insurance coverage is the month of June with coverage to be effective July 1st. We are unable to change coverage at any other time of year unless you have a change in status as mentioned above.

EASE@WORK (My Life Expert)

Mylifeexpert.com is the website that connects to the EASE@Work program. It's newly updated with more qualified counselors, articles, and videos. Topics include frontline workers, debt, hurricane, podcasts, cyberbullying, Covid-19, family assistance, mobile apps, and much more.

My Life Expert is a free, confidential, and voluntary program that provides short-term mental health, financial, wellness, and legal services as well as help in the treatment of substance and alcohol use. It also provides referral services to the community, childcare, or eldercare resources.

The employee and immediate family members are eligible.

Our goal is to help you identify your problems, potential resolutions, and plans for the future. This is a benefit provided to you and your household members through your employer. Ease@Work utilizes the services of licensed, credentialed professionals, including attorneys, social workers, psychologists, wellness personnel, financial planners, nutritionist as well as other trained counselors and geriatric and childcare specialists.

EXTENDED HEALTH BENEFITS (COBRA)

As per the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), full-time employees of the Board and beneficiaries who were enrolled in group health benefits are eligible for extended health benefits.

NOTICE REGARDING WELLNESS PROGRAM

New rules published on May 17, 2016, under the Americans with Disabilities Act (ADA) require employers that offer wellness programs that collect employee health information to provide a notice to employees informing them what information will be collected, how it will be used, who will receive it, and what will be done to keep it confidential.

The Educational Service Center of Northeast Ohio (ESCNEO) provides a voluntary wellness program available to all employees. The ESCNEO Human Resources Department and a Wellness Committee provides oversight for the program and is administered according to federal rules permitting employer-sponsored wellness programs that seek to improve employee health or prevent disease, including the Americans with Disabilities Act of 1990, the Genetic Information Nondiscrimination Act of 2008, and the Health Insurance Portability and Accountability Act, as applicable, among others. If you choose to participate in the wellness program you will be asked to complete a voluntary health risk assessment or "HRA" that asks a series of questions about your health-related activities and behaviors and whether you have or had certain medical conditions (e.g., cancer, diabetes, or heart disease). You will also be asked to complete a biometric screening, which will include a blood test for cholesterol and glucose. You are not required to complete the HRA or to participate in the blood test or other medical examinations.

However, employees who choose to participate in the wellness program will receive an incentive of a gift card. Although you are not required to complete the HRA or participate in the biometric screening, only employees who do so will receive the gift card.

Additional incentives may be available for employees who participate in certain health-related activities such as our Step-It-Up walking program. If you are unable to participate in any of the health-related activities or achieve

any of the health outcomes required to earn an incentive, you may be entitled to reasonable accommodation or an alternative standard.

The information from your HRA and the results from your biometric screening will be used to provide you with information to help you understand your current health and potential risks, and may also be used to offer you services through the wellness program, such as Ease@Work. You also are encouraged to share your results or concerns with your own doctor.

PROTECTIONS FROM DISCLOSURE OF MEDICAL INFORMATION

We are required by law to maintain the privacy and security of your personally identifiable health information. Although the wellness program and the Educational Service Center of Northeast Ohio may use aggregate information it collects to design a program based on identified health risks in the workplace, the ESC Wellness Committee will never disclose any of your personal information either publicly or to the employer, except as necessary to respond to a request from you for a reasonable accommodation needed to participate in the wellness program, or as expressly permitted by law. Medical information that personally identifies you that is provided in connection with the wellness program will not be provided to your supervisors or managers and may never be used to make decisions regarding your employment.

Your health information will not be sold, exchanged, transferred, or otherwise disclosed except to the extent permitted by law to carry out specific activities related to the wellness program, and you will not be asked or required to waive the confidentiality of your health information as a condition of participating in the wellness program or receiving an incentive. Anyone who receives your information for purposes of providing you services as part of the wellness program will abide by the same confidentiality requirements. The only individual(s) who will receive your personally identifiable health information is possibly your doctor, in order to provide you with services under the wellness program.

In addition, all medical information obtained through the wellness program will be maintained separate from your personnel records, information stored electronically will be encrypted, and no information you provide as part of the wellness program will be used in making any employment decision. Appropriate precautions will be taken to avoid any data breach, and in the event, a data breach occurs involving information you provide in connection with the wellness program, we will notify you immediately.

You may not be discriminated against in employment because of the medical information you provide as part of participating in the wellness program, nor may you be subjected to retaliation if you choose not to participate.

If you have questions or concerns regarding this notice, or about protections against discrimination and retaliation, please contact Steve Rogaski, Director of Human Resources at Steve.Rogaski@escneo.org or 216-901-4210.

SAFETY & ACCIDENTS

The SAFETY of our employees is an important concern of ESCNEO. We expect all employees to take safety seriously. We do not assign staff to duties that could cause harm or aggravate a prior injury. If you have been injured before, or if certain work could cause you harm, **as an employee are required to inform Human Resources or your immediate supervisor prior to accepting your assignment.** If you are physically limited in some way, if certain tasks are hard for you, or if you need any special accommodation to perform a job function, it is your duty to *let us know* in advance.

WORKERS' COMPENSATION

The Ohio Bureau of Workers' Compensation (BWC) provides insurance coverage to employees for work-related injuries sustained in the course of and arising out of employment and diseases

contracted in the course of employment. It also provides benefits to employees' dependents in those cases of death suffered in the course of and arising out of employment. To that end, if an employee sustains a workplace injury or contracts an occupational disease, sh/he may be eligible to receive compensation and benefits under Workers' Compensation for loss sustained on account of an injury or illness. Workers' Compensation provides for medical care and disability compensation which is based on the employee's salary.

Reporting a Work-Related Injury

In the event of a work-related injury, the following steps need to be followed:

- Notify your supervisor immediately.
- Complete an ESCNEO **Employee Accident/Injury Report** within 24 hours and fax to 216-606-1044 or scanned and emailed.
- In a medical emergency, seek immediate medical attention. Make sure you take the **Ohio BWC First Report of an Injury or FROI**.
- If after a day or two you feel you need to seek medical attention, make sure you take the **Ohio BWC First Report of an Injury or FROI** with you.

Payment for related medical benefits is the responsibility of the Board's managed Care Organization (MCO) CareWorks.

Lost-Time Claim

- If an employee sustains a work-related injury and is unable to perform the functions of his/her position, sh/he may file a workers' compensation claim in order to receive compensation and benefits through the BWC. Competent medical proof of disability must be completed by the attending physician using the proper form and affixing his/her original signature. The injury or illness must be determined by to be compensable by the BWC or in the case of a dispute the Ohio Industrial Commission. In no event will compensation commence before all initial paperwork is completed and filed with the appropriate agency(ies).
- If an employee sustains a work-related injury, is unable to perform the functions of his/her position and does not choose to file a workers' compensation claim, sh/he may apply for the use of sick leave.
- An injured employee is not entitled to both temporary total compensation and sick leave.
- Board paid medical benefits coverage will be offered up to forty-five (45) days at which time, the employee becomes COBRA eligible.

Sick leave or wage payments will cease upon any of the following;

- Attending physician releases the employee to return to work.
- Employee fails to return to a transitional "limited duty" assignment consistent with his/her medical restrictions as approved by the injured worker's treating physician.
- Employee fails to appear for employer-sponsored medical examination.

- The injured worker attempts to collect both sick leave and temporary total compensation.

Any employee who obtains compensation from the BWC by knowingly misrepresenting or concealing facts, making false statements, or accepting compensation to which she/he is not entitled is subject to a felony or criminal prosecution for fraud (see O.R.C. 2913.48).

RETURNING TO WORK

Unless the doctor says you are unable, we will assume that if you accept a work assignment you are capable of performing the duties. If the doctor says you cannot work at all, you must provide written notice from the doctor and call the Educational Service Center of Northeast Ohio Human Resources Department. Please contact our office on the next day to discuss your situation. Whether you are released for light or limited work, or regular duty, we will address a suitable job for you the next day. We will need a current doctor's written release kept on file, sent to our office before you return to work.

BLOODBORNE PATHOGENS

The Governing Board recognizes that staff/students incur some risk of infection and illness each time they are exposed to blood or other potentially infectious materials. While the risk to staff/students of exposure to body fluids due to casual contact with individuals in the ESC environment is very low, the Board regards any such risk as serious.

To reduce the risk to staff/students by minimizing or eliminating staff exposure incidents to bloodborne pathogens, the Board directs the Superintendent to develop and implement an Exposure Control Plan. Bloodborne pathogens are defined as pathogenic micro-organisms that are present in human blood and can cause disease in humans. These include, but are not limited to, Hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

The plan shall include first-aid kits in each schoolroom and each school vehicle; correct procedures for cleaning up body fluid spills and for personal cleanup.

The Board directs adherence to universally recognized precautions. Universally recognized precautions require that staff and students approach infection control as if all direct contact with human blood and body fluids is known to be infectious for HIV, HBV, and/or other bloodborne pathogens.

Annual training followed by an offer of immunization with the Hepatitis B vaccine shall be provided for all staff who are required to provide first aid to students and/or for all staff who have occupational exposure as determined by the ESC.

SICK LEAVE *See Board Policy Section for sick leave eligibility information.*

Employees will:

1. Notify the building administrator or immediate ESCNEO supervisor where you are assigned.

Employees are asked whenever possible to schedule routine medical or dental appointments before or after school hours or on weekends.

2. E-Mail / Fax the Application for Sick Leave form to the ESCNEO office immediately on your return. FAX (216) 606-1044 or scanned. *(form on website)*
3. Falsification for sick leave or any ESCNEO forms can be ground for immediate termination, suspension or reprimand based on a case by case basis.

PERSONAL LEAVE *(form on website)*

All full-time and part-time employees who are contracted to work 176 days or more in a calendar year are eligible to receive Personal Leave as provided herein.

Three days per school year may be authorized for Personal Leave for eligible employees. Such days are not cumulative. Personal Leave will not be granted to extend vacation periods, unless for emergency situations.

1. Requests for use of personal leave shall be made as early as possible prior to its use (except for obvious emergencies). Submit the Personal Leave form to your immediate supervisor for signature with end result notifying the ESCNEO.
2. For immediate emergencies, as early as possible the employee is to inform the district or assignment of your absence and use of Personal Leave, followed by a contact with immediate supervisor. Details may be requested by supervisor prior to approval.
3. All requests must be supported by a written reason for requesting Personal Leave.
4. Falsification or failure to report Personal Leave for employee's absence can result in disciplinary measures up to and including warnings, reprimands, suspension and termination.

FAMILY AND MEDICAL LEAVE PROCEDURE *(form on website)*

A. Family or Medical Leave. In accordance with the Family and Medical Leave Act of 1993 ("FMLA"), an employee who has been employed for at least twelve (12) months and for at least 1,250 hours during the previous twelve (12) month period is entitled to an unpaid leave of absence of up to twelve (12) weeks during a twelve (12) month period for one of the following reasons:

1. because of the birth of a son or daughter of the employee and in order to care for such son or daughter within one year of birth;
2. because of the placement of a son or daughter with the employee for adoption or foster care and in order to care for the child within one year of the placement;
3. in order to care for a spouse, son, daughter, or parent of the employee, if such spouse, son, daughter or parent has a serious health condition;
4. because of a serious health condition that makes the employee unable to perform the functions of the position of such employee; or
5. a qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty in the Armed Forces or has been notified of an impending call or order to duty.

- B. Service Member Family Leave. In accordance with the FMLA, an employee who has been employed for at least twelve (12) months and for at least 1,250 hours during the previous twelve (12) month period is entitled to an unpaid leave of absence of up to twenty-six (26) work weeks during a single year to care for a spouse, son, daughter, parent, or next of kin who is a member of the Armed Forces, National Guard, or Reserves and is undergoing medical treatment, recuperation or therapy, is in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness as defined in the FMLA.
- C. For Family or Medical Leave granted under (A)(1), (2), (3) or (5) above, the employee is required to substitute accrued paid vacation and/or personal leave for the twelve (12) week period and any remaining portion of the twelve (12) week period will be unpaid. For Family or Medical Leave granted under (A)(3) or (4) above or for Service Member Family Leave, the employee is required to substitute accrued paid vacation, personal, and/or sick leave for the twelve (12) week period and any remaining portion of the twelve (12) week period will be unpaid.
- D. If leave is for planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operation of the Educational Service Center. For Family or Medical Leave other than that granted under (1) and (2) above, the employee may request that the leave be taken intermittently or on a reduced schedule when medically necessary. For Service Member Family Leave, the employee may request that leave be taken intermittently or on a reduced schedule subject to notice requirements
- E. The employee's status, salary, and benefits will not be reduced upon his or her return because of the leave. The employee will continue to receive health benefits during the term of the leave. "Health benefits" include hospital, surgical, major medical and dental benefits. The employee must pay his or her contribution to health benefits according to the payroll deduction schedule and related practices.
- F. The Educational Service Center of Northeast Ohio may recover its contribution to the health benefits if the employee does not return to work after the leave for a reason other than continuation, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control. This refund can take place either by withholding from the employee's last check or by the employee paying directly.
- G. During the employee's leave, he or she must report on a monthly basis to his or her supervisor on the employee's status and intent to return to work.
- H. If an employee goes on leave due to his or her own serious health condition that made the employee unable to perform his or her job, the employee must obtain and present certification from the health care provider before returning to work indicating the employee is able to resume work.
- I. A husband and wife who are eligible for leave and are both employed by the Educational Service Center of Northeast Ohio will be limited to a combined total of twelve (12) weeks of leave during any twelve (12) month period if the leave is taken.
- J. The Educational Service Center of Northeast Ohio will consider an employee to have resigned if the employee does not return from leave.

This limitation on the total weeks of leave applies to leave taken for the reasons specified in this section as long as a husband and wife are employed by the “same employer”. It would apply, for example, even though the spouses are employed at two different work sites of an employer located more than 75 miles from each other, or by two different operating divisions of the same company. On the other hand, if one spouse is ineligible for leave, the other spouse would be entitled to a full twelve (12) weeks of leave.

EQUAL EMPLOYMENT OPPORTUNITY

Equal Employment Opportunity is both a policy and a practice of the ESCNEO. In accordance with all applicable federal, state and local laws, ESCNEO provides employment opportunities to applicants and Associates regardless of age, race, creed, color, religion, national origin, sex, disability, veteran status, marital status or any other protected status.

The ESCNEO Equal Opportunity policy applies to all areas of employment, including, hiring, training, assignment, promotion, compensation, benefits, discipline and termination. The Educational Service Center of Northeast Ohio will not discriminate against any employee in a client job assignment or honor discriminatory requests from clients.

Any employee who violates an Equal Opportunity policy will be subject to discipline, up to and including possible termination.

Equal Employment Opportunity Officer

The Superintendent shall designate an Equal Employment Opportunity Officer for the Educational Service Center who shall be responsible for overall coordination and compliance within the District.

Administrative Personnel Responsible for Recommending Selection and Promotion.

Administrative personnel responsible for selection and promotion of personnel shall be responsible for performing their functions without regard to age, handicap or disability, military status, ancestry, genetic information, marital status, creed, religion, national origin, race or gender. Other staff personnel assisting with the selection or promotion process shall perform their functions under the same conditions as enumerated above.

Notification of Name, Position, Address, and Telephone number of Compliance Officer and Complaint Procedures.

The contact information of the Compliance Officer shall be made public, together with a brief description of the complaint procedure and appeal process.

Steve Rogaski, Director of Human Resources & Pupil Services
Educational Service Center of Northeast Ohio
Essex Place, 6393 Oak Tree Blvd Suite 300, Independence, OH 44131
(216) 524-3000 Steve.Rogaski@escneo.org

The appeal process shall include both informal and formal appeals with final internal appeal to the Educational Service Center of Northeast Ohio Governing Board.

GRIEVANCE PROCEDURES FOR EMPLOYEES

It is the intent of the Governing Board to comply with the nondiscrimination provisions of federal laws and regulations with regard to disability, gender, race, ethnicity, or national origin. Neither the Governing Board nor its employees shall discriminate against any student or individual entitled to participate in the educational programs or activities of the ESCNEO, or in the employment of ESCNEO personnel.

The Grievance Procedure is established to provide an adequate, reliable, and impartial investigation in response to allegations of unlawful discrimination or harassment carried out by ESCNEO employees, students, or third parties.

AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (ADA) is designed to allow individuals with disabilities to enjoy the same employment opportunities available to persons without disabilities. The ESCNEO fully endorses the Americans with Disabilities Act (ADA) and will not tolerate unlawful discrimination and/or harassment of disabled employees.

In accordance with federal law, we encourage disabled employees to identify themselves. Information regarding your disability remains confidential in your medical file and may only be used in order to reasonably accommodate any special needs you may have.

SUBSTANCE ABUSE (DRUG-FREE WORKPLACE)

It is the Policy of the ESCNEO to provide a drug-free workplace. Drug or alcohol abuse in the workplace is dangerous and can lead to harm not only for the person abusing drugs or alcohol but also for fellow employees and the public. It is especially important that employees not use drugs or alcohol in their workplace. A violation of this prohibition by employees of the ESCNEO can be harmful and erode public confidence.

For these reasons, the ESCNEO is committed to maintaining a drug-free workplace and will enforce a policy requiring all employees to refrain from the manufacture, distribution, dispensation, use, sale, purchase, possession, or being under the influence of drugs or alcohol at the workplace. Workplace means on the job, on member district, partner agency, or ESC of Northeast Ohio premises during working hours, or while using member district, partner agency, or ESC of Northeast Ohio equipment and/or systems. Employees who fail to comply with this policy will be subject to disciplinary procedures which may include termination from employment.

Any employee convicted of an offense under a criminal drug statute for an offense occurring within the workplace must report his/her conviction to the employer no later than five (5) working days after the conviction. Failure to do so may result in disciplinary actions which could include termination.

The ESCNEO is concerned about any employee who is a victim of alcohol or drug abuse, and will facilitate the process by which he/she receives help through programs and services available in the community. An employee should contact his/her supervisor or the human resources official of the ESCNEO whenever such assistance is needed.

HARASSMENT

The ESCNEO believes in a friendly workplace that is not hostile or offensive, where all employees on assignment, school staff and students are treated fairly and with respect. Harassment, threats, intimidation or discrimination of any kind, including verbal or visual, will not be tolerated for any reason. Any employee who violates this policy will be subject to serious discipline, including possible termination.

It is important to understand that, among other things, harassment includes:

Verbal Harassment, such as making a joke or comment about a certain age or ethnic group, race, sex, nationality, disability, religion, sexual preference, or using vulgar or profane words or slurs.

Physical Harassment, such as assault, touching, blocking or physically interfering with a person's movement or work.

Visual Harassment, such as derogatory images, posters, cartoons or drawings.

Sexual Harassment, including unwelcome sexual advances or requests for sexual favors, verbal, visual or physical conduct of a sexual nature, such as name-calling, obscene jokes, suggestive comments, gestures or sounds, or graphic remarks about a person's anatomy.

Intimidation – Creating an intimidating, hostile or offensive work environment through conduct like that described above.

If you feel you have been subjected to harassment, threats, intimidation or discrimination by a co-worker, a supervisor or manager, a client Associate or any other person connected with your job, you should report the incident to the ESCNEO Human Resources department immediately.

ESCNEO will promptly investigate every harassment complaint and take the appropriate corrective action. All investigations will be handled as confidentially as possible, and no Associate will be punished in any way for bringing any good faith complaint to the company's attention.

Any ESCNEO employee, supervisor or manager, who is found to have engaged in harassment, or in retaliation against another individual who complained of harassment, will be subject to serious discipline, including possible termination.

The ESCNEO has designated their Compliance Officer as:
Steve Rogaski, Director of Human Resources & Pupil Services
Educational Service Center of Northeast Ohio
Essex Place, 6393 Oak Tree Blvd Suite 300, Independence, OH 44131
(216) 524-3000 Steve.Rogaski@escneo.org

AFFIRMATIVE ACTION PROGRAM

The purpose of the Affirmative Action Program of the Educational Service Center of Northeast is to provide an acceptable program that addresses employment and the effective utilization of economically disadvantaged persons. This program is not to impose numerical minimums or standards, however, by adopting this program. The ESCNEO demonstrates a good faith effort to improve the equality of all citizens of the State of Ohio.

Equal Employment Opportunity Recruitment Strategies

Strategy: Educational Service Center of Northeast Ohio will make a good faith effort to recruit a diverse group of employees and provide equal opportunity for minorities, women and disabled persons to become competitive in state contracting opportunities. Educational Service Center of Northeast Ohio will advertise positions in media outlets that will provide information and access to underserved populations.

Equal Employment Opportunity Selection Strategies

Strategy: Educational Service Center of Northeast Ohio will utilize procedures, processes and techniques that are fair and do not have an adverse impact on minorities, women or disabled persons. Prospective employees will not be excluded from the hiring process due to race, color, religion, gender, national origin, disability, age (40 years old or more), military status, and veteran status.

Equal Employment Opportunity Placement/Orientation

Strategy: Educational Service Center of Northeast Ohio will provide newly hired employees with basic employment information during the first couple weeks on the job. New employee position descriptions, fringe benefits information, policies, procedures, and Equal Employment Opportunities are a few of the topics, which should be covered. Employees will not be denied fringe benefits and or opportunities for promotion based on race, color, religion, gender, national origin, disability, age (40 years old or more), military status and veteran status.

Equal Employment Opportunity Performance Evaluation

Strategy: Educational Service Center of Northeast Ohio will evaluate the performance of its employees on an annual basis. It should provide the necessary supervisory feedback to identify areas to be improved as well as to reinforce those activities that meet or exceed standards. Performance appraisals will be evaluated without regard to race, color, religion, gender, national origin, disability, age (40 years old or more), military status and veteran status.

Equal Employment Opportunity Training Strategies

Strategy: Educational Service Center of Northeast Ohio will attempt to diversify its workforce by utilizing training and apprenticeship programs with diverse participants. Training and apprenticeship programs can increase the number of qualified minorities, women, disabled persons and veterans available for job placement.

Equal Employment Opportunity Discipline Strategies

Strategy: Educational Service Center of Northeast Ohio will set clear disciplinary standards and warn of consequences for non-compliance. Discipline will be designed to rehabilitate employees who choose to correct their behavior as well as justify the termination of those who do not. The employer will not mistreat or unfairly discipline an employee based on race, color,

religion, gender, national origin, disability, age (40 years old or more), military status and veteran status.

Equal Employment Opportunity Separation Strategies/Exit Interviews

Strategy: Educational Service Center of Northeast Ohio will conduct exit interviews as a problem-solving tool in an attempt to reveal employee turnover. Exit interviews can provide the organization with information about how to correct the causes of discontent and reduce the costly problem of employee turnover.

Equal Employment Opportunity Monitoring Strategies

Strategy: Educational Service Center of Northeast Ohio will ensure Human Resources managers and supervisors understand this plan and hold managers and supervisors accountable for the effective implementation of this plan.

Equal Employment Opportunity Minority Business Enterprise Solicitation Strategies

Strategy: Educational Service Center of Northeast Ohio will make a good faith effort to solicit business from certified minority-owned businesses (MBE). Educational Service Center of Northeast Ohio will utilize the State of Ohio, Equal Opportunity Division's webpage to access certified MBEs. <http://das.ohio.gov/Eod/MBESearch/index.asp>

PROHIBITION OF SEXUAL HARASSMENT AND DISCRIMINATION

Federal and state laws prohibit sexual harassment or discrimination toward any employee or student. Accordingly, the Governing Board prohibits and will not tolerate sexual harassment or sex discrimination in employment, recruitment, consideration, or selection. It shall be a violation of this policy for any member of the ESCNEO staff or a third party (i.e., visiting speaker or a visiting athletic team) to harass an employee or student through conduct or communications of a sexual nature as defined below. This includes harassment by a supervisor or another co-employee.

Any individual who believes he or she has been discriminated against or harassed in violation of this policy should contact the ESCNEO's Compliance Officer:

Steve Rogaski, Director of Human Resources & Pupil Services
Educational Service Center of Northeast Ohio
Essex Place, 6393 Oak Tree Blvd Suite 300, Independence, OH 44131
(216) 524-3000 Steve.Rogaski@escneo.org

APPEARANCE STANDARDS

ESCNEO expects every employee to be neat, clean, and dressed properly and professionally for their work environment. Most of participating school districts or buildings have their own dress code or standard and ESC employees in those districts should follow that standard.

SOLICITATION

Solicitation is against the rules in every job assignment. Solicitation is also not permitted on ESCNEO property or any client property.

No solicitation of ESCNEO or client employees is allowed during your work shift or the work shift of the person being solicited. For purposes of this work rule, “solicitation” specifically includes passing out fliers, letters, petitions, or other documents for signatures.

GOVERNING BOARD POLICIES AND JOB SITE RULES

Every ESCNEO employee is required to follow the Educational Service Center of Northeast Ohio’s Governing Board policies that impact our employees. The Governing Board’s policies, administrative guidelines, and forms can be found at www.escneo.org.

CONFIDENTIAL INFORMATION

ESCNEO employees may receive or have access to confidential and proprietary information of ESCNEO, or one or more of their clients (“Confidential Information”). Among many other things, Confidential Information includes information on students, their parents, school staff, security systems, personnel, contracts, business, school, and personnel files and records. As a condition of continued employment, all employees must agree to protect all Confidential Information. Employees are to treat any information obtained while working for ESCNEO, in association with ESCNEO, or any school assignment as confidential and may not be disclosed to any other party, even another ESCNEO employee. If you are unclear as to whether certain information is confidential, treat it as if it is **confidential**.

Disclosure of Confidential Information is a policy violation that will result in disciplinary action, including possible termination.

Confidential Information

Employees of the ESCNEO are expected to keep student information confidential as required by federal and state law, including the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, 34 C.F.R. Part 99, the Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, 34 C.F.R. Part 300, and Ohio Revised Code Section 3319.321.

Further, employees are reminded that all written, electronic, or recorded communications produced in the course of their employment may constitute public and/or student records that may be subject to release upon request by the appropriate parties.

EMPLOYEE DISCIPLINE

Ohio Revised Code (ORC) 3319.081, states that the administration is responsible for the discipline of employees in a progressive, corrective manner, to be determined by the administrator. Discipline will be assigned, determined on a case by case basis. The sequence of the discipline shall be determined by the administrator based on the severity of the infraction. Discipline

measures may result in verbal reprimand, written reprimand, suspension, or loss of pay or termination.

SMOKE-FREE WORKPLACE

The “Smoke-Free Workplace Act” prohibits smoking in all public places as well as places of employment.” All employees are required to comply with all regulations regarding the smoke-free workplace act at their assignment of a school district, program, or institution.

NETWORK PRIVACY AND ACCEPTABLE TECHNOLOGY USE

ESCNEO employees are expected to use professional judgment in making appropriate and ethical use of the computers and any networks that may be available related to your work assignment.

Please be informed that disciplinary actions will be taken if technology and/or networks are abused in any way or used in an illegal or unethical manner while on duty in your work site.

Acceptable Use Procedures identify the limitations on this privacy and the general restrictions applying to the use of the ESCNEO Network or Governing Board technology equipment or systems.

Acceptable and Unacceptable Uses

The Network and Technology systems of the ESCNEO are intended for educational uses and work-related communications. Incidental use of the systems by staff members for personal communications should be limited in number and not distract from performing the employees' duties during work hours, and not incur a cost to the ESCNEO and not interfere with the primary intended uses of the systems.

While not a complete list of unacceptable uses, the following uses which are unacceptable under any circumstances:

- The transmission of any language or images which are of a graphic sexual nature;
- The transmission of jokes, pictures, or other materials which are obscene, lewd, vulgar, or disparaging of persons based on their race, color, sex, age, religion, national origin, disability, military status, ancestry, genetic information, or sexual orientation;
- The transmission of messages or any other content which would be perceived by a reasonable person to be harassing or threatening;
- Uses that constitute defamation (libel or slander);
- Uses that violate copyright laws;
- Uses that attempt to gain unauthorized access to another computer system or to impair the operation of another computer system (for example, the transmission of a computer virus or an excessively large e-mail attachment);
- Any commercial or profit-making activities; or
- Any fundraising activities, unless specifically authorized by the Governing Board.

Security and Integrity

Staff members shall not take any action which would compromise the security of any of the systems. This would include the unauthorized release or sharing of passwords and the intentional disabling of any security features of the systems. Staff members shall not take any actions which may adversely affect the integrity, functionality, or reliability of any computer. ESCNEO strictly prohibits the unauthorized downloading or installation of any software or hardware.

Staff members shall report to their immediate supervisor any actions by staff or students which would violate the security or integrity of any of the systems whenever such actions become known to them in the normal course of their work duties. This shall not be construed as creating any liability for staff members for the computer-related misconduct of students.

ESCNEO shall assume the cost of damages or replacement to technology required for the employee resulting from normal business use. Costs for repairs or replacement resulting in the employee's misuse or violations of these procedures will be the responsibility of the employee.

Right of Access

Although the ESCNEO respects the natural desire of all persons for privacy in their personal communications and will attempt to preserve this privacy whenever possible, the operational and security needs of the ESCNEO's systems require that full access be available at all times. The ESCNEO, therefore, reserves the right to access and inspect any computer, device, or electronic media within its systems and any data, information, or messages which may be contained therein. All such data, information, and messages are the property of the ESCNEO and staff members should have no expectation that any messages sent or received on the ESCNEO's systems will remain private.

Electronic Mail and Public Records

The ESCNEO complies with all Federal and State laws pertaining to electronic mail. Accordingly, e-mails written by or sent to ESCNEO staff, customer districts or agencies if the contents of the e-mails concern any ESCNEO related business may be public records. E-mails that are public records are subject to retention and disclosure, upon request by the public. Employees may not use their ESCNEO e-mail accounts or addresses for communication on social media platforms or for creating/managing social media that is for personal use.

Compliance

Employees of the ESCNEO are expected to comply with the Network Privacy and Acceptable Use Procedures for Staff Members. Access to the systems is a privilege that may be withdrawn in the event of noncompliance with the above Procedures. Disciplinary and/or legal actions may be taken for violation of these Procedures.

Staff Online Activity and Use of Social Media

The laws, professional expectations, board policies, and guidelines for interacting with students, parents, and other members of the District community that staff members are expected to follow also apply to their online activity. This includes an employee's participation in social media sites, such as LinkedIn, Twitter, Facebook, YouTube, and Instagram, or blogs, wikis, comment sections, and other forms of user-generated electronic media. Employees who use social media for personal purposes are responsible for the content of their personal posts and pages, including content created

by the employee and the employee's friends or members of the public who can access the employee's social media.

Staff members are personally responsible and may be subject to disciplinary action, for any inappropriate or illegal content the staff member publishes on social media sites. Staff members shall maintain a professional relationship with students at all times and may not release any information relating to a student on social media that is protected by the Family Educational Rights and Privacy Act ("FERPA") without appropriate consent. Staff members are prohibited from fraternizing with students through social media, text messages, or other digital correspondence, whether such fraternization occurs during or after the school day. This prohibition shall not apply to staff "friending" current students on social networking sites that are provided by the ESCNEO or School District for use to communicate with students about school-related matters, or if the student is a family member of the staff member.

ESCNEO Use of Social Media for Professional Purposes

The ESCNEO may establish an online presence through social media platforms and content. Any social media platform established by the ESCNEO will be a limited public forum established for informing the community or staff about the activities of the ESCNEO. An employee's use of social media on behalf of the ESCNEO must be approved by the Superintendent, or designee, in advance and is limited to matters that fall within the scope of the employee's job responsibilities. Posts that include profanity, hate speech, copyrighted material, or are threatening, harassing, racist, biased, personally derogatory/disparaging, or involve off-topic remarks addressed to or about other persons to the point that the comments amount harassment or bullying may be removed. A social media platform user that posts inappropriate content may be banned from making future posts if he or she has committed one or more violations. A user whose post has been deleted, or who has been banned from making future posts, may appeal such determination to the Superintendent, whose decision shall be final.

EVALUATION OF PERSONNEL

The member school district, partner agency, or ESCNEO operated program or service departments to which the ESCNEO employee is assigned is responsible for evaluating our employees on an annual basis following the Governing Board Policies related to administrative, certified, or classified evaluation procedures.

ANNUITY COMPANIES

A list of companies that the ESCNEO works with can be found on the www.escneo.org staff benefits tab. The ESCNEO does not endorse these companies. Contact the payroll department for how to sign up.

CALENDAR *(blank calendar forms on website)*

All employees are to follow the school calendars of the district to which they are assigned. A copy of this calendar should be sent to your supervisor by September 14th. Part-time employees need to indicate the days they will be working as mutually agreed to with the building principal and/or supervisor. Staff employed on an extended contract should indicate additional workdays. This should be agreed to by the building administrator and/or supervisor.

CREDIT UNION

All employees are eligible for membership to The Ohio Educational Credit Union, 2554 E. 22nd St., Cleveland, OH 44115 (216) 621-6296.

DAY TO DAY PROCEDURES

All employees are required to follow the procedures in the district and/or building where they are assigned. They are directly responsible to the building principal or their immediate supervisor. In addition, all employees need to follow the policies and procedures of the ESCNEO. It is important that each employee be familiar with both in order to create a smooth operation of the educational program in which they work. Every employee is also required to adhere to the rules or policies that apply in their workplace and daily assignment. Employee rules might include restrictions on lunch or rest breaks and telephone use. Cell phone or other electronic device use **is prohibited during work hours/on duty and if it interferes with your ability to perform your duties.** If you are uncertain or there are extenuating circumstances, please discuss this matter with your immediate supervisor. As an ESCNEO employee, you are required to know and follow the policies in effect at your job site and assignment.

If a labor action would occur in an employee's city or local school assignment, said employee(s) shall contact your immediate supervisor or the Director of Human Resources immediately.

INCLEMENT WEATHER

In periods of inclement weather, employees are to follow procedures of the district in which they are assigned. Tardiness caused by weather conditions shall not be penalized. Employees who are unable to report to work on time need to notify the administrative designee as soon as possible.

PROFESSIONAL STAFF STIPENDS

Employees of the ESCNEO shall not accept stipends or honoraria for any professional services rendered as part of their regular duties and/or during times when they are on duty under the contract. If there are any questions regarding the acceptance of professional stipends, ESC employees need to discuss it with the immediate supervisor.

SUSPECTED CHILD ABUSE OR NEGLECT

The ESCNEO recognizes that it is the legal obligation of school employees to report situations of suspected child abuse and neglect. This obligation includes teacher substitute personnel who are in daily contact with school-age children, they are often able to identify abused children and refer them to school authorities.

Section 2151.421, Ohio Revised Code, dealing with the reporting of child abuse and neglect requires:

1. All school employees having reason to believe that a child under eighteen years of age has suffered any wound or injury or neglect shall immediately report such information.
2. A written report should follow as soon as possible to the appropriate reporting agency for the county.

Any school employee making such a report shall be immune from civil or criminal liability.

ANTI-HARASSMENT AND BULLYING

Bullying is (1) an intentional, written, verbal or physical act that a student has exhibited towards another particular student more than once, which (a) causes both mental or physical harm to the other student, and (b) is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abuse in an educational environment. (2) violence with a dating relationship.

No administrator, teacher or other employee of the ESCNEO shall encourage, permit, condone or tolerate any bullying activities. No student including leaders of student organizations, may plan, encourage or engage in any bullying. Permission, consent, or assumption of risk by any individual subjected to bullying does not lessen the prohibition contained in these procedures.

Administrators, teachers and all other ESCNEO employees must be particularly alert to possible conditions, circumstances or events that might include bullying. If bullying or planned bullying is discovered, involved students must be informed by the discovering ESC employee of the prohibition contained in these procedures, and are required to end all bullying activities immediately. All allegations of bullying must be reported immediately to the superintendent, principal or supervisor. If the relevant facts are proven, appropriate discipline must be administered.

A written record of any prohibited act of bullying must be made within two (2) school days following the incident. The parent or guardian of any child involved in an act of bullying must be notified and must be allowed access to any written report pertaining to the bullying. Personally identifiable information pertaining to other students must be redacted from the report. These reports will not be released to any other person, other than educational or law enforcement personnel, unless the parent, or the student if at least 18 years old, consents.

The Superintendent/designee will submit a written report of all reported incidents of bullying and post the report without personally identifiable information.

Training on this policy will be provided to ESCNEO employees and volunteers who have direct contact with students.

District employees, students and volunteers are provided with qualified civil immunity for damages arising from reporting an incident of bullying. Administrators, teachers, other employees and students who fail to abide by these procedures may be subject to disciplinary action and may be liable for civil and criminal penalties in compliance with State law.

No one shall retaliate against an employee or student because he or she files a complaint or participates in an investigation, proceeding or hearing regarding the charge of bullying of an individual. (see form on www.escneo.org website)

PURCHASE REQUISITION (purchasing supplies)

If budget allowances have been made for individuals to participate see immediate supervisor about budget allowances.

These procedures are to be followed:

1. Complete one Purchase Requisition form for each company – include name, address, phone number, and date of request. Include order form attachments. *(form on website)*
2. Unless otherwise indicated, add an additional 10% to each order for shipping.
3. Have the Purchase Requisition form signed by administrator, supervisor, or superintendent as applicable.
4. Send the requisition to the administrative assistant at the ESCNEO office for processing.
5. All orders will be shipped to the ESCNEO office unless otherwise designated. You will be notified upon arrival for pick up.
6. A purchase order must be in place before ANY orders are placed.

MILEAGE REIMBURSEMENT FOR DAILY WORK

(form on website)

The Educational Service Center of Northeast Ohio (ESCNEO) follows the Internal Revenue Service (IRS) and the State of Ohio Auditor's guidelines for mileage reimbursement for public school employees.

Mileage reimbursement is provided to an employee whose current ESCNEO position requires the use of your personal vehicle for ESCNEO official business for traveling from one workplace to another in the course of your business and completion of job expectations. Mileage reimbursement must be pre-approved and a budget established for each ESCNEO employee with their direct supervisor prior to reimbursement.

Approved travel is generally defined as transportation on ESCNEO business in excess of an employee's normal commute. IRS guidelines **do not allow** travel/commuting to be reimbursed to any employee for mileage between your home and your main or regular place of work. Commuting from home to work or work to home is NOT an acceptable reimbursement under the IRS definition.

For mileage reimbursement purposes, your main or regular place of work is 6393 Oak Tree Boulevard, Independence Ohio 44131 unless your specific job description, current assignment and/or duties designate a different worksite and require traveling on a regular basis to temporary workplaces.

If your work requires traveling to temporary workplaces on a regular basis, your first and last destinations if commuting to/or from home are **NOT ALLOWABLE** for mileage reimbursement.

If you are approved to travel to and/or from a temporary workplace away from your main/regular place of work, mileage reimbursement is allowable using the shortest distance to your destination using either your home address (if shortest) or your temporary workplace.

- For reimbursement of day to day travel expenses, each employee who has an allocation for these expenses must keep a record of their travel. The Mileage Expense form **should be submitted, signed and approved by your immediate supervisor for each month.**
- For out-of-Cuyahoga County mileage, proof of calculated mileage is required to be submitted for reimbursement purposes (i.e. MapQuest, Google....)
- In-Cuyahoga County mileage does not need proof of calculated mileage if the employee has submitted to the ESCNEO fiscal department their regular mileage information regarding your to and from your temporary workplace destinations.
- Use the shortest distance to your destination using either your home address (if shortest) or your temporary workplace
- Mileage should be rounded down to the nearest whole number
- Mileage reimbursement is paid monthly and the Mileage Expense Form must be at the ESCNEO by the first week of the month for payment within that month. Detailed receipts for tolls or parking are required for reimbursement.
- ESCNEO approved travel does not include the commute between the employee's home and his/her primary work location. Limited mileage may be reimbursed for a commute to and from an employee's home to a temporary work location only when the temporary work location exceeds the distance from the employee's home and primary work assignment. However, only the mileage in excess of the normal commute to or from the employee's home to the primary work assignment may be reimbursed.
- An individual who uses their personal vehicle on ESCNEO business must meet the liability insurance requirements of the motor vehicle financial responsibility laws of the state of Ohio. In this regard, the employee must maintain insurance coverage on their personal vehicle at levels required by the state of Ohio.

REQUEST FOR PROFESSIONAL MEETINGS

(form on website)

The Educational Service Center of Northeast Ohio (ESCNEO) recognizes the potential of its employees to request and attend professional meetings, seminars and conferences as beneficial to their professional growth and enhance their job performance. Permission must be preapproved and a professional travel reimbursement budget established for each ESCNEO employee with their direct supervisor prior to reimbursement of travel expenses.

The following guidelines are to be followed when requesting attendance to a professional development opportunity and for reimbursement of travel expenses.

1. Complete the Professional Meeting Request form.
2. Appropriate travel costs should be indicated and once approved only minor cost differences will be reimbursed.
3. Each Professional Meeting request must be signed by the direct supervisor, superintendent or designee.
4. For reimbursement of professional development travel expenses, each employee who has an allocation for these expenses must keep a record of their travel. The Travel Voucher or Mileage Expense form **should be submitted, signed and approved by your immediate supervisor for each month.** Travel is paid monthly and vouchers must be submitted to the ESCNEO fiscal department after approval by the first week of the month for payment within that month.

Mileage Reimbursement:

The Educational Service Center of Northeast Ohio (ESCNEO) follows the Internal Revenue Service (IRS) and the State of Ohio Auditor's guidelines for mileage reimbursement for public school employees. **Mileage reimbursement is provided to an employee whose current ESCNEO position requires the use of your personal vehicle for work purposes for travel to attend meetings, professional development seminars or conferences for business purposes only.** Mileage reimbursement must be pre-approved and a budget established for each ESCNEO employee with their direct supervisor prior to travel.

- For reimbursement of professional development travel expenses, each employee who has an allocation for these expenses must keep a record of their travel. The Travel Voucher form **should be submitted, signed and approved by your immediate supervisor for each month.**
- When attending a professional conference, seminar or meeting outside of your daily assignment, mileage is required to be reported and calculated from either home or your main or regular place of work whichever is less mileage
- For out-of-Cuyahoga County mileage, proof of calculated mileage is required to be submitted for reimbursement purposes (i.e. MapQuest, Google....)
- Out of Cuyahoga County mileage reimbursement maximum for one trip is 500 miles.
- Mileage should be rounded down to the nearest whole number
- Mileage to the airport is allowable from airport to home (round trip).

Conference Meals:

- If conference registration provides meals as part of the registration fee – please make sure to submit itemized receipts for any other meal(s) purchased on that day. When possible please attach a copy of the conference agenda. This will assist us for audit purposes

- Daily reimbursement of \$46.00 per day is only for out-of-town or out-of-state travel if meals at the conference are NOT provided. Detailed receipts for meals are required. Tips cannot be reimbursed unless a receipt is submitted.
- Reminder: requesting up to \$46.00 per day reimbursement with receipts means you had to have purchased all meals for the day unless you have a receipt that indicates this amount or more for one meal.
- Internal Revenue Service Guidelines prohibit reimbursement of employees for meals unless an overnight stay is required.

Miscellaneous Expenses

- Detailed receipts are required for reimbursement for lodging, transportation (other than mileage), registration fees, phone/internet, tolls, and parking expenses
- Reimbursement for airfare is limited to Standard Airline Seating costs
- Expenses for the following are not reimbursable:
 1. Alcohol
 2. Entertainment
 3. Amenities such as spa, in-room beverages/movies, workout facilities, golf
 4. Expenses incurred by employee's spouse or family members
 5. College credit and/or professional contact hours

The State of Ohio Auditor's office annually reviews travel expense reporting of all employees. Accurate reporting is required to ensure **personal** responsibility as well as the organization's obligation.

CELL PHONE AND WIRELESS INTERNET

For employees whose job duties require the employee to be regularly available during nonbusiness hours or regularly perform their job duties while traveling or remotely, the ESCNEO will reimburse the employee for a portion of the employee's cell phone and/or wireless data/internet service on a monthly basis up to an amount established by the Superintendent, or designee.

Cell phone and/or wireless data/internet reimbursement that is a term and condition of employment must be pre-approved. An employee requesting reimbursement must submit monthly billing receipts from the employee's service provider carrier. These invoices should be detailed enough to indicate one or both employee-only charges and the dates on the invoice must indicate the month in which reimbursement is being requested. An employee may request reimbursement only for months that the employee is actively on duty and performs official ESCNEO business. The maximum reimbursement for employee's cell phone and/or wireless data/internet service on a monthly basis is not to exceed \$40.00.

Employees are advised that records of ESCNEO business conducted on an employee's personal device, including e-mail, text messages, voicemail messages, and telephone call logs, may be subject to disclosure under the Ohio Public Records Act, O.R.C. §149.43. Therefore, the ESCNEO encourages employees to utilize only their ESCNEO provided e-mail accounts to conduct ESCNEO business and no personal e-mail accounts should be utilized to conduct ESCNEO business.

USAGE OF CREDIT CARD

For those employees who have approval for the usage of an ESCNEO credit card authorized by the Superintendent or Treasurer, the following guidelines must be adhered to:

- All purchases must be greater than \$15.00
- All receipts need to be submitted immediately following any travel but no later than the 7th of each month
- Employees authorized to use the ESCNEO credit card will be accountable for and billed for any lost receipt based on the Treasurer's discretion

AUDITOR OF STATE: FRAUD REPORTING

Fraud Reporting - General Provisions:

If an employee of a public office becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the employee's supervisor or appointing authority has the authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the employee may file a written report with the office of internal auditing created under section 126.45 of the Revised Code. ORC 124.341(A)

Whistleblower Protection:

No officer or employee of the public office shall take any disciplinary action against an employee in the classified or unclassified civil service for making any report authorized by division (A) of this section. ORC 124.341(B)

Reporting False Information:

The employee is subject to disciplinary action, including suspension or removal, as determined by the employee's appointing authority, for purposely, knowingly, or recklessly reporting false information under division (A) of this section. ORC 124.341(C)

Reporting Methods: SEND a written complaint via U.S. Postal Service: Ohio Auditor of State's Office

Special Investigations Unit
88 East Broad Street

CALL the SIU Fraud Hotline: 1-866-FRAUD OH
1-866-372-8365 SUBMIT online

www.auditor.state P.O. Box 1140 Columbus, OH 43215

JURY DUTY

Employees called and required to serve jury duty shall immediately notify the human resources department by filing a copy of the notice to serve.

Jury duty shall be considered as a paid leave of absence.

Remuneration checks or cash received by employees shall be deposited with the Treasurer of the Governing Board. Checks shall be endorsed as payable to the ESCNEO.

BOARD POLICIES & PROCEDURES

NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The Governing Board does not discriminate on the basis of race, color, religion, national origin, gender, disability, genetic information, military status, ancestry, or age in its programs and activities, including employment opportunities.

The Superintendent shall appoint a Title IX Coordinator who will be responsible for compliance with Federal and State regulations and ensure that any inquiries or complaints are addressed promptly in accordance with the law.

R.C. 4112.02

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

42 U.S.C., 200e, et seq., Civil Rights Act of 1964

42 U.S.C., 12112, Americans with Disabilities Act of 1990

29 U.S. C. 701 et seq., Rehabilitation Act of 1973

20 U.S.C. 1681 et seq., Title IX

29 Code of Federal Registration (C.F.R.) – Part 1635: Genetic Information Non-Discrimination ACT (GINA) 2008

Revised 6/29/11 Revised 7/30/20

GRIEVANCE PROCEDURE FOR STUDENTS AND EMPLOYEES

It is the intent of the Governing Board to comply with the nondiscrimination provisions of federal laws and regulations with regard to disability, gender, race, ethnicity, or national origin. Neither the Governing Board nor its employees shall discriminate against any student or individual entitled to participate in the education programs or activities of the Educational Service Center of Northeast Ohio (ESCNEO), or in the employment of ESCNEO personnel.

The Title IX Coordinator's name and contact information shall be made known to all applicants for employment and employees. Further, the ESCNEO shall prominently display on its website the contact information for the Title IX Coordinator. The Governing Board hereby designates and authorizes the following individual to serve as the ESCNEO's Title IX Coordinator:

Steve Rogaski, Director of Human Resources and Pupil Services
Educational Service Center of Northeast Ohio
6393 Oak Tree Blvd., Independence, OH 44131
216-524-3000
steve.rogaski@escneo.org

GRIEVANCE PROCEDURE

The Grievance Procedure is established to provide a fair, reliable, and impartial investigation in response to any allegations of unlawful discrimination or harassment by ESCNEO employees, other students, or third parties.

1. Informal Procedure

- a. Any individual who believes s/he has a valid basis for a complaint that s/he has been subjected to discrimination or harassment is encouraged, but not required, to discuss the matter informally with the building principal or immediate supervisor. If the principal or supervisor is the subject of the complaint, or if the individual is not a student or employee of the ESCNEO, the individual may discuss his/her concerns with the Title IX Coordinator.
- b. Except where an employee has allegedly sexually harassed a student, the investigator may offer informal resolution options if a formal complaint is filed, and both parties give voluntary, informed, written consent. The ESCNEO shall not require, as a condition of employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints. Any party has the right to withdraw from informal resolution and resume the grievance process with respect to the formal complaint.

2. Filing of Complaint

- a. If the informal procedure does not resolve the matter, or if the individual does not wish to use the informal procedure, an individual who believes s/he has been discriminated against (“the complainant”) may submit a complaint in writing to the Title IX Coordinator as soon as possible after learning of the alleged incident of harassment or discrimination. If the Title IX Coordinator is the individual alleged to have engaged in the harassment/discrimination, the individual shall make the complaint directly to the Superintendent and the Superintendent, or designee, will conduct the investigation.
- b. Any person may report an alleged incident of discrimination or harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute gender discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator. The ESCNEO will treat a person as a complainant any time it has notice that the person is alleged to be the victim of conduct that could constitute discrimination or harassment (regardless of whether the person self-reported, or a third party reported the incident), and irrespective of whether the complainant ever chooses to file a formal complaint.
- c. The complaint should include facts underlying the complaint, including the name(s) of the individual(s) alleged to have engaged in discrimination or harassment (“the respondent”); the name(s) of possible witness(es); the location, date and time of the incident; and any other relevant

information. The complainant may use a Complaint Form provided by the Title IX Coordinator or may submit the information in an alternate form.

- d. The Title IX Coordinator is responsible for investigating the allegation(s) of discrimination or harassment based on the information included in the complaint, or appointing an investigator to conduct an investigation.
- e. The right to confidentiality, both of the complainant and of the respondent, will be respected consistent with the ESCNEO's legal obligation and with the necessity to investigate allegations of misconduct and take corrective action when misconduct has occurred. The ESCNEO will keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, or as required by law, or as necessary to carry out a Title IX proceeding.

3. Investigation

- a. The investigator shall remember that the investigation requires a balancing of the respondent's due process rights, the complainant's right to an environment free of harassment and/or discrimination, and the Board's interest in a prompt and fair investigation.
- b. The investigator shall send written notice to both the complainant and respondent of the allegations set forth in the formal complaint.
- c. The investigator shall meet with the complainant within a reasonable period of time following receipt of the complaint. However, the investigator is urged to meet with the complainant as soon as possible.
- d. Following the meeting with the complainant, the investigator shall conduct a fair, reliable, and impartial investigation, which shall include a review of the relevant evidence; interviews with parties and witnesses, if available; and take any other actions that are considered necessary to determine whether harassment/discrimination has occurred. The investigation also shall include a conference with the respondent, if available.
- e. The investigator will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the ESCNEO obtains that party's voluntary, written consent to do so.
- f. Upon conclusion of the investigation, the investigator shall issue a written report. After the investigative report has been sent to the parties and before reaching a determination regarding responsibility, the decisionmaker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decisionmaker(s) must explain to the party proposing the questions any decision to exclude questions as not relevant.

- g. Although the facts and circumstances of a particular investigation may require an investigation to continue beyond 45 work days, it is recommended that the investigation and a report of the findings be completed within that time frame.
- h. The report shall include a determination of whether the respondent was found to have engaged in harassment/discrimination, was found not to have engaged in harassment/discrimination, or whether the investigation was inconclusive. The ESCNEO shall use a “preponderance of the evidence” standard to make such determination. A copy of the report with all personally identifiable student information redacted shall be issued to the complainant or the complainant’s parent and the respondent. A full copy of the report shall be sent to the Superintendent.
- i. A finding of no harassment/discrimination or inconclusive evidence shall end the investigation.
- j. Written notice of the outcome of the complaint shall be provided to the complainant and the respondent. If harassment/discrimination is found to have occurred, the investigator shall recommend what steps are necessary to ensure that the harassment/discrimination is eliminated, to prevent its recurrence, and to address any discriminatory effects on the complainant or others, if appropriate and feasible.

4. Discipline for Substantiated Complaints

- a. If harassment/discrimination is found to have occurred, the person who engaged in such harassment/discrimination shall be disciplined, up to and including suspension or expulsion for students, or suspension or termination of employment for employees.
- b. The discipline shall be reasonably calculated to end the harassment/discrimination, to prevent its recurrence, and to correct discriminatory effects on others.
- c. Any discipline must include a directive that the respondent not engage in such harassment/discrimination in the future.
- d. Making a materially false statement in bad faith in the course of an investigation may subject an employee to disciplinary action.

5. Appeal to the Board

The ESCNEO will offer both the complainant and respondent the opportunity to appeal in writing within ten calendar days from a determination finding responsibility, and from a dismissal of a formal complaint or any allegations therein, on any of the following bases:

- a. Procedural irregularity that affected the outcome of the matter
- b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
- c. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias that affected the outcome of the matter

The Governing Board hereby designates the Superintendent to hear appeals of the Title IX Coordinator's determination. The Superintendent shall review the case, may conduct an informal hearing, and will notify the complainant, the respondent, and the Title IX Coordinator in writing of the decision within ten work days after reviewing the case and holding, if any, the informal hearing. The Superintendent's decision shall be final.

It is Governing Board policy that all reports of discrimination or harassment will be thoroughly investigated, and violations of this policy will be treated as serious disciplinary infractions. ESCNEO employees will be notified at least annually of their responsibility to report all instances of possible discrimination or harassment based on race, color, national origin, gender, disability, age, or religion of which they become aware.

No individual shall be subjected to retaliation for any good faith report of harassment or discrimination or for participating in an investigation about harassment or discrimination under this policy. No employee of the ESCNEO, nor any other person, may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. Complaints alleging retaliation may be filed according to the procedures for gender discrimination.

An individual who believes s/he has been discriminated against by the ESCNEO may file a complaint at any time with the U.S. Department of Education, Office for Civil Rights, 600 Superior Avenue, East, Suite 750, Cleveland, Ohio 44114-2611.

This Grievance Procedure shall be prominently posted in the ESCNEO Central Office and the facilities with students being served by the ESCNEO staff and included in ESCNEO Employee Handbook.

LEGAL REFS: Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 *et seq.*; Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794); Title II of the Americans with Disabilities Act (42 U.S.C. §12131 *et seq.*)

Adopted: 4-19-12 Revised: 5-21-20

PROHIBITION OF SEXUAL HARASSMENT AND DISCRIMINATION

Federal and state laws prohibit sexual harassment or discrimination on the basis of gender toward any employee or student. Accordingly, the Governing Board prohibits and will not tolerate sexual harassment or gender discrimination in employment, recruitment, consideration, or selection. It shall be a violation of this policy for any member of the Educational Service Center of Northeast Ohio (ESCNEO) staff or a third party (i.e., visiting speaker) to harass an employee or student through conduct or communications of a sexual nature as defined below. This includes harassment by a supervisor or another co-employee.

Sexual Harassment

1. Sexual harassment is conduct on the basis of gender that satisfies one or more of the following:

- a. A school employee conditioning education benefits on participation in unwelcome sexual conduct (*i.e.*, *quid pro quo*); or
 - b. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
 - c. Sexual assault (as defined in the Clery Act, 20 U.S.C. 1092(f)), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act.
2. Duty to Respond: The ESCNEO will promptly respond when an allegation of sexual harassment or discrimination occurs in an education program or activity. Education programs and activities include locations, events, or circumstances over which the ESCNEO exercises substantial control over both the respondent and the context in which the sexual harassment or discrimination occurs.
 3. Supportive Measures: Upon receiving an allegation of sexual harassment or discrimination, the ESCNEO shall offer Supportive Measures to a complainant. "Supportive Measures" are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to an alleged victim or respondent, before or after the filing of a formal complaint or where no formal complaint has been filed. The Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

Any individual who believes he or she has been discriminated against or harassed in violation of this policy should contact the ESCNEO's Title IX Coordinator:

Steve Rogaski, Director of Human Resources and Pupil Services
 Educational Service Center of Northeast Ohio
 6393 Oak Tree Blvd., Independence, OH 44131
 216-524-3000

LEGAL REFS: Title IX of the Education Amendments of 1972
 20 C.F.R. 1604.11

Adopted: 2-24-93

Revised: 6-20-12, [DATE]

CRIMINAL RECORDS CHECK

In accordance with state law, the Governing Board requires all applicants for employment to undergo a criminal records check conducted by the Bureau of Criminal Identification and Investigation ("BCI") at the time of their initial employment and at the intervals required by law as set forth below. "Applicant" means a person who is under final consideration for appointment or employment in a position with the

Governing Board, except that “applicant” does not include a person already employed by the Governing Board who is under consideration for a different position.

- A. A criminal records check shall be requested from the BCI for each applicant under final consideration. The request shall include a request that the BCI obtain information from the Federal Bureau of Investigation (“FBI”) as a part of the criminal records check. The Governing Board may accept a certified copy of any records issued by the BCI presented by an individual applying for employment with the Governing Board in lieu of requesting such information itself. In such case, however, the Governing Board shall only accept a certified copy of such records within one (1) year after the date of issuance by the BCI.
- B. Each applicant for a position with the Governing Board may be employed conditionally, at the sole discretion of the Governing Board, until the criminal records check is completed and the Governing Board receives the results of the criminal records check. If the results of the criminal records check indicate that the applicant has been convicted of or pleaded guilty to any crime listed in O.R.C. §3319.39(B)(1)(a) or an existing or former law of Ohio, another state, or the United States that is substantially equivalent to any of the offenses listed in O.R.C. §3319.39(B)(1)(a), or if the applicant has applied for a position as a teacher, any crime listed in O.R.C. §3319.31 in addition to those set forth in O.R.C. §3319.39(B)(1)(a), the applicant shall be immediately released from employment with the Governing Board.
- C. Subsequent criminal records checks of employees shall be requested from the BCI for every person hired by the Governing Board, other than a person hired for a position that requires a license issued by the Ohio State Board of Education, according to the following schedule:
 - 1. for a person in a position other than for the operation of a vehicle for pupil transportation by September 5, 2008 and every five years thereafter; and
 - 2. for a person hired to operate a vehicle used for pupil transportation, at time of initial application and every six years thereafter at time of renewal.

Effective January 1, 2010, if the employee presents proof that he or she has been a resident of Ohio for the five years immediately prior to the date of the subsequent criminal records check, and the ESC has previously requested a criminal records check from BCI and the FBI, the ESC shall request BCI to obtain only information from the FBI.

- D. When permitted by law, the Governing Board will take into consideration administrative rules adopted by the State Board of Education specifying the circumstances under which a person who has been convicted of a disqualifying offense may be employed; provided the person meets the rehabilitation standards set forth in the rule.
- E. The report of a criminal records check conducted by the BCI is not a public record and shall not be made available to any person other than the applicant, a court, a hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant.
- F. For any position that does not require a license issued by the State Board of Education and is not for the operation of a vehicle for pupil transportation, a private company that provides

essential school services to the ESC shall submit a criminal records check for any employee of the private company who will work in the ESC in a position that involves routine interaction with or regular responsibility for the care, custody, or control of a child.

- G. In accordance with O.R.C. §3319.40, an employee who has been arrested, summoned, or indicted for a crime listed in O.R.C. §3319.31(C) if the employee holds a license, or O.R.C. §3319.39(B) (1) if the employee does not hold a license, shall be suspended from all duties that require the care, custody, or control of a child during the pendency of the criminal action against the employee.
- H. A person hired to operate a vehicle used for pupil transportation who is convicted of or has pleaded guilty to any crime listed in O.R.C. §3319.31(C) or O.A.C. §3301-83-23(A)(6)(c) shall be barred from employment and the rehabilitation standards will not apply.

LEGAL REFS: O.R.C. §§3319.39; 3319.391; 3319.392; 3319.40; 3327.10; 109.57; 109.572
O.A.C. §3301-83-23 Adopted: 10-24-90 Revised: 7-26-95, 6-20-12, 7-26-18

DRUG-FREE WORKPLACE

The Educational Service Center of Northeast Ohio prohibits any employee directly under contract to the Educational Service Center from manufacturing, possessing, using, distributing, or dispensing any controlled substance while in a facility operated or served by the Educational Service Center or while involved in any program related activity or event, including but not limited to:

- alcohol,
- marijuana (even if prescribed to employee),
- any substance containing betel nut,
- any synthetic, counterfeit or “look-alike” controlled substance, or
- any prescription drug or medication which is not prescribed for the employee

Any employee who violates this policy shall be subject to disciplinary action which may include non-renewal or termination of their contract and referral for prosecution. Assistance in obtaining information about drug and alcohol counseling and rehabilitation and re-entry programs that are available in the community will be granted upon written request of the employee to the Superintendent, or designee.

Drug-Free Workplace act of 1988, Publ. L. No. 100690, 41 U.S.S.
701 et seq.; 20 U.S.C. 3474, 1221e-3(a) (1) (1988);
Drug-Free Workplace Act, 34 C.F.R. § 85 (1988);
O.R.C. §3313.751 Adopted 10-24-90 Revised 07-26-18

ALCOHOL AND DRUG ABUSE TESTING FOR EMPLOYEES PERFORMING SAFETY-SENSITIVE DUTIES

Employees who perform safety-sensitive duties, including drivers of vehicles that transport students and CDL license holders, must be mentally and physically alert while on duty to ensure the safety of employees and students. Drug and alcohol usage can affect a person's ability to perform such duties safely and effectively. Safety-sensitive duties include the performance of all tasks associated with the operation and maintenance of vehicles, and any period in which an employee actually performs, is ready to perform, or immediately available to perform any safety-sensitive duty. Use of controlled drugs by employees performing safety-sensitive duties is prohibited both on and off duty.

Pursuant to federal law, all employees who perform safety-sensitive duties must be free of any influence of alcohol or controlled substance while on duty. This includes driving time; waiting to be dispatched; inspecting and servicing equipment; supervising, performing or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the Educational Service Center (ESC) or any entity served by the ESC.

Alcohol and drug tests shall be conducted in accordance with federal and state regulations at the following times: prior to employment, for reasonable cause, upon return to duty after any alcohol or drug rehabilitation, after any accident, following receipt of a citation under a state or local law for a moving traffic violation while operating a vehicle during work hours, and on a follow-up basis. Tests shall examine for the presence of alcohol and controlled drugs including marijuana, cocaine, opioids, amphetamines, and phencyclidine (PCP). The ESC will not employ anyone who has a pre-employment positive result from a drug test or who refuses to take a drug test. When a current employee transfers to a position with safety-sensitive duties, a drug test will be administered.

For random testing, the number of tests annually must equal the legally required percentage of employees subject to testing. Employees shall be selected for random testing by a scientifically valid random process, and each employee shall have an equal chance of being tested each time selections are made.

Any employee who tests positive shall be prohibited from performing or continuing to perform his/her safety-sensitive duties and, for a first offense, will be referred to the ESC's Employee Assistance Program. If the lab determines that any adulterant has been added to a specimen, then the test will be considered positive and the employee shall be prohibited from performing any safety-sensitive duties and, for a first offense, be referred to the ESC's Employee Assistance Program. In addition to these requirements, employees who test positive for alcohol or drugs, refuse to submit to an alcohol or drug test, fails to be readily available for post-accident or post-citation testing, or alters or attempts to unduly influence a test, shall be subject to disciplinary action up to and including termination of employment.

Any employee who refuses to submit to a test shall be prohibited from performing or continuing to perform safety-sensitive duties. The consequences for a refusal to submit to a test are the same as if the employee failed the test. A refusal to take a test includes the failure to provide adequate breath or urine for testing without a valid medical reason, engaging in conduct that obstructs the testing process, failure to sign a testing form, and leaving before a post-accident or post-citation test is performed.

The ESC will pay all costs of alcohol and drug testing, return-to-duty, and follow-up tests which are not covered by the ESC's health benefit coverage. Employee alcohol and drug test results and records shall be confidential and will be released only in accordance with law. Upon written request, an employee may obtain copies of any records relating to his/her use of alcohol or drugs, including any records pertaining to his/her alcohol or drug tests. An employee must provide written authorization before his/her test result can be provided to any other person except a government agency specified in the applicable federal regulations.

All drug tests shall be conducted in accordance with federal testing guidelines and be performed by a laboratory or agency that is federally or state certified. The Superintendent may designate one or more collection sites where an employee may provide urine specimens for testing. 44

An employee having an alcohol concentration of 0.04 shall be prohibited from performing safety-sensitive duties until he/she has been evaluated by a substance abuse professional and tests at less than 0.02 for the presence of alcohol. An employee with an alcohol concentration of 0.02 or greater, but less than 0.04, is not permitted to perform safety-sensitive duties for 24 hours. In addition to these requirements, the District has the right to discipline the employee for alcohol misuse.

If the first drug test on the urine sample reveals a positive sample result, the employee, within seventy-two hours of receipt of the results of the first test, may request a second test of the split specimen of the first urine sample. The employee shall be responsible for the costs of the second test. Once a drug test is verified as positive, the employee must be removed from safety-sensitive duties. The results of the split test, if requested by the employee, do not need to be received before the employee is removed from safety-sensitive duties.

The requirements of the alcohol and drug prohibitions and testing requirements as contained in this Policy will be made available to applicable employees. This policy will be distributed to each employee performing safety-sensitive duties, and all such employees shall execute an acknowledgement of receiving this Policy. The designated person to answer questions about the alcohol misuse and drug use rules will be the Superintendent or designee.

An exception to this Policy is made for an employee's use of a prescription drug pursuant to the instruction of a physician. Employees are required to notify the employee's immediate supervisor of any therapeutic or medically necessary drug use and provide a written statement from the physician prescribing the drug. The employee's use may not exceed the prescribed dosages and the employee must comply with any limitations imposed on the employee's duties by the physician or supervisor due to the employee's use of a prescription drug.

An employee who voluntarily discloses that the employee has an addiction to alcohol or drugs 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 ESC's health benefit coverage. Voluntary disclosure of an alcohol or drug addiction by an employee will not subject the employee to disciplinary action unless such disclosure is made after the employee is tested or immediately prior to testing. Nothing herein shall prevent the Board from disciplining an employee, up to and including termination, for misconduct associated with the employee's alcohol and/or drug use regardless of whether the employee has disclosed an alcohol or drug addiction.

This Policy shall not be construed as authorizing the use of medical marijuana by employees. A positive test for marijuana, even if the employee has a prescription from a physician, shall be considered a violation, and the employee shall be subject to discipline and other requirements of this Policy.

LEGAL REFS.: 49 C.F.R. §382; 34 C.F.R. Part 40; O.R.C. §3796.28

Adopted: 7-26-18

SMOKE-FREE WORKPLACE

For purposes of this policy, "smoking" shall mean inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, electronic smoking device, e-cigarette, vape, or other lighted smoking device for ~~burning~~ use with tobacco, substances containing nicotine, or any other plant. "Use of tobacco" shall mean all uses of tobacco, including a cigar, cigarette, pipe, smoking device, snuff, or any other matter or substances that contain nicotine.

Cessation products approved by the United States Food and Drug Administration for use as medical treatment to reduce or eliminate nicotine or tobacco dependence are allowed and are not prohibited products.

Smoking is prohibited in all buildings and enclosed areas owned or under the control of the Educational Service Center of Northeast Ohio and areas immediately adjacent to the entrances or exits.

Smoking and the use of tobacco are prohibited during hours of employment and at any Educational Service Center of Northeast Ohio-sponsored event, whether such event occurs on or off Educational Service Center of Northeast Ohio property.

LEGAL REFS: 20 U.S.C. §7183
O.R.C. §§3313.751; 3794.01, 3794.02

Adopted: 10-17-12, revised 2-20-2020

BLOODBORNE PATHOGENS

The Governing Board recognizes that staff/students incur some risk of infection and illness each time they are exposed to blood or other potentially infectious materials. While the risk to staff/students of exposure to body fluids due to casual contact with individuals in the ESC environment is very low, the Board regards any such risk as serious.

To reduce the risk to staff/students by minimizing or eliminating staff exposure incidents to bloodborne pathogens, the Board directs the Superintendent to develop and implement an Exposure Control Plan. Bloodborne pathogens are defined as pathogenic micro-organisms that are present in human blood and can cause disease in humans. These include, but are not limited to, Hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

The plan shall include first-aid kits in each school room and each school vehicle; correct procedures for cleaning up body fluid spills and for personal cleanup.

The Board directs adherence to universally recognized precautions. Universally recognized precautions require that staff and students approach infection control as if all direct contact with human blood and body fluids is known to be infectious for HIV, HBV and/or other blood borne pathogens.

Annual training followed by an offer of immunization with Hepatitis B vaccine shall be provided for all staff who are required to provide first aid to students and/or for all staff who have occupational exposure as determined by the ESC.

Handling and Disposing of Contaminated Fluids

Health department information about the transmission of diseases including AIDS and Hepatitis B focuses on "body fluids" as a possible carrier of organisms that can infect others. The term includes drainage from cuts and scrapes, vomit, urine, feces, respiratory secretions (nasal discharge), saliva, semen and blood. While any contact with the body fluids of another person represents a risk, the level of risk is very low. The risk is increased if the fluid comes in contact with a break in the skin of another individual. Generally, simple, consistent standards and procedures of cleanliness minimize risk.

The following procedures are precautionary measures against the transmission of diseases. Prudent actions are to be employed by all staff and students. These actions should focus primarily on steps that staff members can take to ensure their own well-being.

Those who administer first aid, provide physical care or may otherwise incur occupational exposure to blood or other potentially infectious materials as determined by the ESC will be specifically protected through the ESC's Exposure Control Plan.

The procedures, however, are a review for all staff and students of appropriate hygienic and sanitation practices.

- A. Universally recognized precautions are to be followed at all times. Universally recognized precautions require the assumption that staff and students approach infection control as if all direct contact with human blood and body fluids is known to be infectious for HIV, HBV and/or other bloodborne pathogens.
- B. Whenever possible, a student should be directed to care for his/her own minor bleeding injury. This includes encouraging students to apply their own bandaids. If assistance is required, bandaids may be applied after removal of gloves if caregiver will not come into contact with blood or wound drainage.
- C. Gloves are required for all tasks in which an individual may come into contact with blood or other potentially infectious materials. Such tasks include cleaning body fluid spills, emptying trash cans, handling sharps/containers, handling contaminated broken glass, cleaning contaminated equipment and handling contaminated laundry/clothing. This also includes assisting with any minor wound care, treating bloody noses, handling clothes soiled by incontinence, diaper changing and cleaning up vomit.
- D. Complete and effective hand washing of at least 10 seconds duration should follow any first aid or health care given a student or contact with potentially infectious materials.
- E. If exposure to blood or other potentially infectious materials occurs through coughing, any first-aid procedure, or through an open sore or break in the skin, thorough washing, preferably with germicidal soap, is necessary.
- F. In the event handwashing facilities are not readily available, thorough cleaning using an antiseptic cleanser and clean cloth/paper towels or antiseptic towelettes provided by the ESC as an alternative is necessary. In the event alternatives are used, hands must be washed with soap and running water as soon as possible.
- G. Any surface contaminated with blood or other potentially infectious materials must be cleaned after each use and at the end of the day with soap and water and then rinsed with an EPA* approved disinfectant. These surfaces include equipment, counters, mats (including those used in physical education and athletic events) or changing tables.
- H. An EPA approved disinfectant must be used when cleaning fluids such as blood or vomit from the floor or other such contaminated surfaces.
- I. Contaminated laundry such as clothing and towels must be placed and transported in bags and containers in accordance with the ESC's universally recognized precautions. All such items must be laundered in hot or cold water and soap and placed in a dryer.
- J. Needles, syringes, broken glassware and other sharp objects found on ESC property must not be picked up by students at any time, nor by staff without appropriate puncture-proof gloves or mechanical device such as a broom, brush and dust pan. Any such items found must be disposed of in closable puncture resistant, leak proof containers that are appropriately labeled or color-coded.

- K. All wastebaskets used to dispose of potentially infectious materials must be lined with a plastic bag liner that is changed daily.
- L. Gloves and repellent gowns, aprons or jackets are required for tasks in which exposure to blood or other potentially infectious materials can be reasonably anticipated to contaminate street clothing. Type and characteristics of such protective clothing will depend on the task. Such tasks may include diapering/toileting with gross contamination, assisting with wound care, sorting or bagging contaminated laundry/clothing and disposing of regulated waste with gross contamination.
- M. Maximum protection with gloves, face and/or eye protection and gowns are required whenever splashes, spray, spatter or droplets of blood or other potentially infectious materials may be generated and eye, nose or mouth contamination can be reasonably anticipated. Such tasks may include feeding a child with a history of spitting or forceful vomiting and assisting with severe injury and wound with spurting blood.
- * Disinfectants which can be used include Lysol, Purex, Clorox, Tough Act bathroom cleanser, Dow bathroom cleaner, Real Pine liquid cleaner, Pine Sol, Spic and Span, Tackle liquid, Comet and other products with EPA numbers.

LEGAL REFS: 29 CFR 1910.1030; O.R.C. Chapter 4167

PROGRAM AND INTER-DISTRICT CONTRACTS

The Governing Board of the Educational Service Center of Northeast Ohio regularly enters into contracts to provide programs, services and personnel to the city, exempted village and local school district boards of education in the County and to other county boards of education and entities, both public and private (non-profit).

To assure uniformity in contracting practices, the following principles shall be followed in the issuance of contracts unless waived by the Governing Board:

1. All Program and Inter-District contracts shall be in writing and approved by the Governing Board and the entity with which the contract is entered.
2. All Program and Inter-District contracts shall specify the service area, which is defined as the employment of personnel in a particular teaching, non-teaching, or administrative field as specified in the written contract.
3. All Program and Inter-District contracts shall specify the teaching field (if applicable), which is the specific subject required to be shown on a teacher's certificate/license to fill a particular certified position.
4. Unless otherwise specified, all contracts shall require the other contracting party to reimburse the Governing Board for all net personnel costs (not covered by state and federal funds), including without limitation salary, benefits, cost of substitutes, SERS surcharge if any, workers' compensation, unemployment compensation, severance, Medicare, retirement contributions, liability insurance, and Governing Board administrative fees.

5. If personnel needs under contracts fluctuate, the Governing Board reserves the right to implement reductions in force of employees hired to perform services under Program and Inter-District Contracts entered by the Governing Board. In such event reductions shall be achieved through suspensions of employment contracts under the following statutes, as applicable: O.R.C. 3319.17 (teachers); O.R.C. 3319.171 (administrators); O.R.C. 3319.172 (non-teaching employees). Decreases in the number of full-time equivalency positions due to retirement, resignation, non-renewals, attrition or suspensions under other statutes shall be deemed reductions in force.

6. All Program and Inter-District Contracts shall be entered for a term of one school year, and shall automatically expire. Any subsequent contract shall be a separate contract and shall not be deemed a renewal thereof.

Adopted: 7/26/95 Revisions: 6/19/13, 7/26/95, 11/25/91, 10/27/82

ADMINISTRATIVE STAFF REDUCTION IN FORCE

The purpose of this policy is to provide for reasons and procedures for a reduction in force of the administrative staff of the school district when the Governing Board considers such a reduction to be necessary. For purposes of this policy, the terms “administrator” and “administrators” refer to those persons employed under authority of O.R.C. 3319.02.

1. Reasons for a Reduction in Force.

The Governing Board may implement a reduction in force in the ranks of administrators, through suspension of one or more administrative contracts, for one or more of the following reasons:

- a. Return to duty of administrators from leaves of absence.
- b. Territorial changes affecting the school district as a whole, or one or more school district facilities.
- c. Decreased enrollment of students in one or more school facilities, or in one or more instructional programs, regardless of whether such decrease occurs from one school year to the next, or within one school year.
- d. Closure of one or more school facilities.
- e. Reorganization of the school district administrative staff in whole or in part, or the consolidation or redistribution of administrative functions.
- f. Financial conditions as determined by the Governing Board.
- g. Lack of sufficient work as determined by the Governing Board.
- h. Changes in curriculum, programs or services operated by the Governing Board.

2. Order of Contract Suspension.

The order in which administrator contracts will be suspended to implement a reduction in force pursuant to this policy shall be determined as follows:

- a. When a reduction is necessary due to an administrator returning from leave of absence, the administrator holding the position or the most similar position from which the administrator took a leave of absence shall have his or her contract suspended.
- b. When reductions in force are based upon reasons affecting one or more identifiable facilities or programs, only the administrators associated with such facilities or programs are subject to the reduction in force.

- c. The overriding considerations in determining the order of suspension of contracts shall be the efficient use of personnel and available resources, and the best interests of the students served by the Educational Service Center of Northeast Ohio.

3. Procedure for Implementing Reduction in Force.

The procedure for implementing a reduction in force among the administrative staff shall be as follows:

- a. The administrative positions to be reduced through contract suspension shall be identified by the Superintendent. The affected administrators will be notified by the Superintendent of the anticipated reduction.
- b. Contracts may be suspended by Governing Board action at a regular or special meeting. Administrators whose contracts have been suspended shall be given written notice by the Governing Board of the action, which shall include the date the suspension takes effect if the date is other than the date of Governing Board action.
- c. A reduction in force can include a reduction from full-time to part-time service.

4. Recall of Administrators.

Administrators whose contracts have been suspended pursuant to a reduction in force shall have right of recall to active service as follows for a period of one year only from the date of contract suspension:

- a. Administrators whose contracts have been suspended pursuant to this policy shall have the right to be recalled to active service to the same or similar administrative position for which they qualify. An administrator is qualified for return to service in the same or similar administrative position when all of the following are satisfied as determined by the Superintendent: the administrator holds the required certification when notified of the recall; the duties and responsibilities of the available position are comparable to the position the administrator held at the time of contract suspension; and the administrator interviews successfully (if applicable) at the educational agency where the services are to be performed.
- b. The recall of an administrator to active service shall be offered by written notice from the Superintendent to the administrator. Such notice shall be sent by courier or registered mail in such a way that date of delivery can be verified. The administrator shall have ten (10) business days from receipt of the notice in which to accept or decline the offered position. The administrator's response should also be in writing, directed to the Superintendent.
- c. If an administrator declines recall to active service, he/she immediately forfeits all recall and employment rights. If an administrator does not respond to written recall notice within the time period cited in paragraph 4 (b), the administrator shall be deemed to have declined recall and therefore to have resigned from employment with the Board and to have forfeited all recall and employment rights as of the day such response was due.

LEGAL REFS.: O.R.C. §3319.171 Revised 6/30/14 Adopted 7/23/14

SALARY SCHEDULES

The Governing Board shall annually adopt salary schedules for certificated (teaching) employees, which shall not be less than that schedule prescribed by O.R.C. §3317.13, non-certificated (Aides and Attendants) employees, supervisors and other positions as determined by the Governing Board.

Subject to the discretion of the Governing Board, compensation of all Governing Board employees shall be individually determined by the needs of the Governing Board or by the requesting school district and/or agency based on the need for specific services, scheduling, finances and/or budgetary concerns, training, and/or years of service.

Placement on Salary Schedule

In placing a teacher or other certificated personnel on the salary schedule, a maximum of ten (10) years of service credit for experience will be granted for the following service:

1. All Ohio public and chartered non-public school service
2. Out-of-state public school service
3. Active military service in the armed forces of the United States

A year of teaching service shall consist of a minimum of one hundred twenty (120) days of full-time service for salary schedule credit purposes; or, for military service, a partial year of eight (8) continuous months or more.

Individuals who have earned up to one hundred forty-nine (149) semester hours of college credit shall be placed in the Bachelor's degree salary schedule column. Individuals who have earned a minimum of one hundred fifty (150) semester hours but not a Master's Degree shall be placed in the five (5) year training column. Individuals who verify by transcript the possession of a Master's Degree shall be placed in the Master's Degree column on the Salary Schedule.

Hours of credit granted beyond a Bachelor's Degree for salary schedule credit shall be determined by the Superintendent or designee. The Superintendent or designee shall make the final determination of experience training levels and where individuals shall be placed on salary schedules.

Part-Time Employment

Individuals placed on the salary schedule who are employed for less than a full day shall be compensated as follows:

- All teachers working less than a full day shall be paid by the hour as per the salary schedule.
- All contracts, payroll cards, and other records must reflect actual hours working each day. Fractions such as one-half ($\frac{1}{2}$) day will not be used.

LEGAL REFS.: O.R.C. §§3317.13, 3317.14

Adopted: 2/26/87 Revised: 12/22/87, 8/23/89, 7/26/95, 7/15/98, 6/19/13, 2/21/19

FRINGE BENEFITS

The following schedule of benefits is established for full-time employees:

- Medical and dental benefits for full-time employees. The Board shall pay 80% of the cost of the premium.
- Vision coverage for full-time employees in an amount determined by the Board. The Board shall pay 50% of the cost of the premium.
- Group Liability Insurance – Board paid. The Board maintains general educational liability and auto liability insurance policies for all employees of the Educational Service Center of Northeast Ohio (“ESCNEO”). In some circumstances, these policies cover ESCNEO employees while acting in the course and scope of their employment with the ESCNEO. Any ESCNEO employee who is involved in an accident or other incident which might give rise to a claim should immediately contact his/her supervisor. Failure to make a timely report will jeopardize coverage for the incident.
- Group Life Insurance – Board paid. \$50,000 basic plus Accidental Death & Dismemberment. Employees under contract for 20 or more hours per week are eligible for the group life insurance benefit.
- STRS-SERS (Tax deferred) – As provided under Ohio law.

Eligibility Definition:

For purposes of the above listed benefits, full-time employment means employed under a contract with the ESCNEO in a position requiring not less than six (6) hours per day, five (5) days per week during the employee’s contract term. Full-time employees are eligible to receive all of the fringe benefits listed above.

In accordance with federal regulations, school psychologist interns shall not be eligible for insurance benefits.

Members of the Governing Board may elect to be covered under the medical, dental, vision and group liability insurance benefits upon payment of 100% of the cost of premiums. An application shall be filed with the Treasurer, announced at a regular public meeting of the Governing Board, and recorded in the minutes. Premiums shall be promptly paid by the Governing Board member.

LEGAL REFS.: O.R.C. §3313.202; 26 U.S.C. §4980H; 26 C.F.R. §54.4980H-1(a)(23)(ii)(B)

Previous Versions: November 19, 2014, February 21, 2019

Adopted: June 24, 2015

SEVERANCE PAY

Upon retirement from active service each staff member (administrative, certified, and non-certified) shall be compensated in an amount equal to one-fourth of the employee’s accrued but unused sick leave credit days, multiplied by the employee’s per diem rate of pay at the time of retirement. Compensated time shall not exceed thirty (30) days. Payment of severance eliminates all of the employee’s existing accrued but unused sick leave. Ten years of service with the Educational Service Center of Northeast Ohio, the state, any political subdivisions, or any combination thereof immediately prior to retirement shall be the requirement for severance pay eligibility.

To be entitled to severance pay, the date an employee concludes employment with the ESCNEO must coincide with the date of the employee’s retirement under an Ohio public employee retirement system. An employee who separates

from service with the ESCNEO prior to retirement, or is not eligible for retirement at the time the employee separates from service with the ESCNEO, shall not receive severance pay.

Within three (3) months after a staff member's final date of employment with the ESCNEO, said retired employee must request in writing to the Treasurer payment of his/her severance pay. Written proof of retirement must accompany the request. (Example: a copy of your first retirement payment or approval of a request for retirement from an Ohio public employee retirement system)

A reemployed retiree shall not be entitled to any severance pay under this policy upon his/her conclusion of employment with the Educational Service Center of Northeast Ohio. A reemployed retiree is an individual who has attained disability or service retirement status with any state or municipal retirement system, including the State Teachers Retirement System, the School Employees Retirement System, or the Ohio Public Employees Retirement System, and has subsequently been employed by the Educational Service Center of Northeast Ohio.

LEGAL REFS: O.R.C. §§124.39 & O.R.C. 3319.141 Revised 5-15-13, 4-22-21

VACATION LEAVE

Certified and classified employees who are employed under a 260-Day Contract shall earn paid vacation leave as follows:

- Years 1 through 3, the employee shall earn ten (10) days per year;
- Years 4 through 9, the employee shall earn fifteen (15) days per year;
- Following the completion of 9 years of service, the employee shall earn twenty (20) days per year

Administrative employees who are employed under a 260-Day Contract shall earn twenty (20) paid vacation days per year.

Years of service for the purpose of vacation leave – accumulation shall be determined based upon the anniversary date of the employee's date of hire.

For the purpose of placing an employee on the Vacation Leave schedule, the awarding of prior service credit will be governed by the Ohio Revised Code.

Vacation days shall accrue to the employee on a pro-rata basis each month. All usage of vacation time requires advance approval by the administration. Authorized use of vacation leave will be determined based on the best interest of the organization.

At separation from employment, compensation for accrued, unused Vacation Leave will be governed by the Ohio Revised Code.

LEGAL REFS.: O.R.C. §§9.44; 3319.084; 3319.086

Adopted: 11-26-1985, Revised: 4-17-2014

SICK LEAVE

Illness, as used in this policy, means the personal illness of an employee of the Educational Service Center rendering that employee unable to reasonably perform the normal duties of employment. Illness may

include medical/dental appointments, pregnancy, injury, exposure to contagious disease which could be communicated to others, or absences due to illness, injury, or death in the employee's immediate family.

Immediate family includes parents, siblings, grandparents, spouse, children, grandchildren, and in-laws (defined as a person related by blood or marriage to include brother-, daughter, father-, mother-, sister-, and son-in-law).

Employees who are absent from duty by reason of illness will, subject to the approval of the superintendent, be paid sick leave benefits to the extent that such benefits have been accrued to the credit of the employee under Ohio law or advanced by the Governing Board.

Employees who have been absent from duty by reason of illness for a period of five (5) consecutive days are required to submit a written statement from a physician or medical personnel.

At any time that it appears to the superintendent that a request for sick leave is not based on illness as defined in this policy, the superintendent may deny the request. If a request is denied, the employee shall be notified of that fact and the employee will have the opportunity to meet with the superintendent, if requested, to offer any additional facts in support of the leave request. The failure of employee to fully complete and submit either form, if requested, will be considered grounds for denying a sick leave request.

This policy shall be uniformly applied to all requests for sick leave based on personal illness but shall not be construed to authorize the use of sick leave based upon any physical or mental condition of the employee including pregnancy or pregnancy related conditions, unless that condition renders the employee unable to reasonably perform the duties of employment.

Regular full-time employees shall be granted sick leave at the rate of 1 ¼ days per month of employment. Regular part-time, per diem, and hourly employees shall be granted sick leave for the time actually worked at the rate of four and six-tenths (4 6/10) hours of sick leave for each completed eighty (80) hours of service. Sick leave may be accumulated up to a maximum of 240 days. Substitutes, adult education instructors who are scheduled to work the full-time equivalent of less than one hundred twenty (120) days per school year, or persons who are employed on an as-needed, seasonal, or intermittent basis are not granted sick leave.

Five days of sick leave may be advanced if an employee requests sick leave and has not accumulated sufficient days to cover the need for such sick leave. This will be deducted from the total earned during the year. This advance shall not exceed the amount of sick leave an employee would normally be expected to accumulate by the end of the school year contract.

When an employee's absence from personal illness, or other use of sick leave, exceeds the number of days earned, an amount equal to the per diem payroll figure times the number of days exceeding accumulated sick leave shall be deducted from a payroll check.

Calls to the individual school and the county office shall be made to report the use of sick leave. A written statement justifying the use of sick leave shall be filed by the employee. Official sick leave records are maintained by the treasurer's office.

LEGAL REFS.: O.R.C. §3319.141 Adopted: April 2012

FAMILY & MEDICAL LEAVES OF ABSENCE (FMLA)

The Educational Service Center of Northeast Ohio (ESCNEO) shall provide leave to eligible personnel to the extent required by the federal Family and Medical Leave Act of 1993 (FMLA). To be eligible for FMLA leave, a staff member must have worked for the ESCNEO for at least 12 months, which need not be consecutive, and for at least 1,250 hours during the 12 months prior to the date on which the staff member's FMLA leave begins. All full-time certified staff members are deemed to meet the 1,250-hour requirement.

FMLA Family Leave. Eligible personnel may receive up to a total of 12 workweeks of FMLA leave during any 12-month period for one or more of the following reasons:

1. For the birth of a child and to care for the newborn child.
2. For placement with the staff member of a child for adoption or foster care.
3. To care for the staff member's spouse, son, daughter, or parent with a serious health condition.
4. The staff member's serious health condition that prevents the staff member from performing the functions of the staff member's position.
5. The staff member's spouse, son, daughter, or parent is a military-service member (service member) on covered active duty deployment to a foreign country or has been notified of an impending call or order to covered active duty deployment to a foreign country in the Armed Forces. The staff member may take FMLA leave for this reason to:
 - a. Address any issue that arises as a result of a notice of a call to active duty seven or fewer calendar days prior to deployment.
 - b. Attend official ceremonies, events, or programs sponsored by the military or to attend support or assistance programs sponsored by the military or military service organizations that are related to the call to active duty.
 - c. Arrange alternative childcare, provide childcare, enroll in or transfer to a new school or daycare facility, or to attend meetings at a school or daycare facility when necessitated by a call to active duty status.
 - d. Make financial or legal arrangements to address the absence caused by a call to active duty status.
 - e. Attend counseling for the staff member, the service member, or a child of the service member necessitated by the call to active duty status.
 - f. Spend time with a service member who is on short-term, temporary rest and recuperation leave.
 - g. Attend arrival ceremonies or any official ceremony or program sponsored by the military during the 90-day period following the termination of active duty status, or to address issues that arise from the death of a service member on active duty status.
 - h. As and if agreed to by the ESCNEO and the staff member, attend any other events that arise out of the call to active duty status.

FMLA Military Caregiver Leave. In addition, FMLA grants a special category of leave in order to care for certain service members. An eligible staff member who is the spouse, son, daughter, parent, or next of kin of a service member may receive up to 26 workweeks of FMLA leave during a single 12-month period to care for the service member who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. A staff member who is eligible for FMLA Military Caregiver Leave may use up to a combined total of 26 workweeks of unpaid leave during each 12-month period for all FMLA leave.

A. “Serious health condition” is defined as an illness, injury, impairment, or physical or mental condition that satisfies the following parameters.

1. Inpatient care, including any period of incapacity or any subsequent treatment in connection with such inpatient care.
2. Continuing treatment by a health care provider, including:

A period of incapacity of more than three consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition, that also involves either treatment two or more times by a health care provider, or treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a health care provider.

Any period of incapacity or treatment for such incapacity due to a chronic serious health condition.

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective.

Any period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

Cosmetic treatments, common colds, the flu, ear aches, upset stomachs, minor ulcers, headaches (other than migraines), routine dental or orthodontia problems, and periodontal disease are examples of conditions that are not considered “serious health conditions” and do not qualify for FMLA leave unless inpatient hospital care is required or complications develop.

When FMLA Family Leave is taken due to a serious health condition or FMLA Military Caregiver Leave is taken due to a serious injury or illness of a service member, the staff member must provide a medical certification from the treating health care provider. The Governing Board authorizes the Superintendent, or designee, to authenticate or clarify a medical certification. Failure to provide a medical certification may result in the delay or denial of FMLA leave.

3. When the need for FMLA leave is foreseeable, the staff member must request leave and provide any necessary medical certification prior to beginning the leave. Generally, the staff member taking FMLA leave shall provide notice of the intent to take leave at least 30 days in advance. If FMLA leave is not foreseeable, the staff member must provide notice of the leave and/or a medical certification as soon as is practicable under the circumstances.
4. If a staff member has taken an FMLA leave due to the staff member’s serious health condition, the staff member must provide the Human Resources Department with a fitness-for-duty certificate from the health care provider before returning to employment.

The Human Resources Department will notify the staff member when the ESCNEO intends to designate leave as FMLA-qualifying. Such notice may be given orally or in writing. When oral notice is given, it will be followed by written notice within 10 business days. In the case of intermittent or reduced work schedule leave, only one such notice is required unless the qualifying reason for leave has changed.

FMLA leave taken by an eligible staff member for any one or more of the qualifying reasons shall be counted against the staff member's FMLA leave. The 12-month period for measuring the amount of allowable FMLA Family Leave is a rolling period specific to each individual staff member. The 12-month period for the purpose of determining the amount of allowable FMLA Military Caregiver Leave begins on the first day the employee takes leave and ends 12 months after that date.

Staff members using FMLA leave are required to use accrued paid leave days concurrently with FMLA leave. The leave will count against both the staff member's FMLA leave and available amounts of accrued paid leave. After a staff member has exhausted all accrued paid leave, the remainder of FMLA leave will be unpaid. Neither the ESCNEO nor the staff member may delay designating leave as FMLA-qualifying in order for the staff member to first exhaust paid leave.

A staff member may take FMLA leave intermittently or on a reduced work schedule basis. If an employee requires intermittent leave or a reduced work schedule and the need for leave is foreseeable, the employee is required to make a request not fewer than thirty (30) days prior to commencing the modified work schedule and, if applicable, provide a written certification issued by a health care provider to support said leave. If unforeseeable, the staff member must contact the ESCNEO as soon as is practicable under the circumstances.

The maximum FMLA leave for two staff members who are married to each other is determined on a combined basis when the reason for the leave is to provide care to a parent or child with a serious health condition, provide care to a service member, birth or care of a newborn child, or the placement or care of a child through adoption or foster care.

- B. During FMLA leave, the staff member's health benefit coverage will be maintained on the same conditions as when the staff member was actively working. If the staff member was responsible for paying a portion of the premiums for coverage prior to beginning FMLA leave, the staff member must continue to pay the share during the leave by providing the Treasurer with a valid check for his/her portion of the premiums prior to the first day of each month. Failure to timely make such premium payments may cause lapse(s) in the staff member's health benefit coverage. If a staff member fails to return to work from FMLA leave, the staff member may be liable for payment of the entire premium paid by the ESCNEO during the staff member's FMLA leave.
- C. The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the staff member's leave. The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.
- D. Upon return from FMLA leave, a staff member shall be restored to the same position that the staff member held when the leave commenced, or to a comparable position with equivalent benefits, pay, and conditions of employment. Any leave or return from FMLA leave during the last five weeks of an academic term shall be reviewed individually by the Superintendent, or designee, to minimize disruption to students' programs.

- E. A staff member who fraudulently obtains FMLA leave is not protected by the provisions of this policy, including job restoration or maintenance of health benefits.

LEGAL REFS.:29 U.S.C. 2601 et seq.

29 C.F.R. Part 825

45 C.F.R. Part 160,164

U.S. Department of Labor Opinion FMLA2019-1-A

Adopted:

Previous Versions: 9-20-93; 7-25-95, 7-23-08, 4-19-12, 6-19-13, 2-20-14, 1-14-16, 2-10-20

PERSONAL LEAVE

All full-time and part-time employees who are contracted to work 176 days or more in a calendar year are eligible to receive Personal Leave as provided herein. Three days per school year may be authorized for personal leave. Such days are not cumulative. Personal leave may be granted for the following reasons:

- Funerals/Illnesses of individuals not covered by the sick leave policy.
- Legal Reasons – Court appearance.
- Emergency family situations.
- School or educational functions involving the employee or child of the employee.
- Religious Holidays.
- Weddings.
- Other reasons which the superintendent or designee deems appropriate.

3319.142 ORC

Revised 2-26-87, Revised 9-22-16

PROFESSIONAL MEETINGS

Meetings, seminars, and conferences are recognized as potential sources of experience and information beneficial to the operation of the Educational Service Center of Northeast Ohio programs.

The Governing Board will sponsor attendance/participation at such functions when attendance is expected to meet one or more of the following criteria in addition to number 5 and number 6.

1. The function will impart information directly related to existing programs.
2. Subject matter will be directly applicable to students in current programs.
3. Professional growth will be enhanced in the area of expertise for which the individual is currently being employed.
4. The professional meeting program agenda is directly related to a function being performed or being considered, by the Governing Board.
5. The superintendent recommends attendance.
6. Staff members, requesting approval to attend such a meeting, should have membership status in the organization sponsoring the meeting, seminar or conference (active, affiliate, or agency membership).

Work-related meetings within the Governing Board's service area requiring travel/parking fees only are authorized as part of the staff assigned roles. If registration/meal costs are required, then such meetings must be approved in advance by the superintendent as applicable. The Governing Board should not

reimburse college credit and/or contact hour charges. Lodging costs within the county are generally not reimbursable unless specifically approved by the superintendent for an emergency situation.

Estimated costs of attending each professional meeting shall be part of the request to attend professional meetings.

Where applicable, the staff member shall secure the signature of the building principal or local superintendent and the supervisor on the meeting request form.

All meeting costs shall be within budgeted amounts.

Reimbursements for expenses incurred during attendance at authorized professional meetings shall be made for reasonable and proper amounts, from funds lawfully appropriated for this purpose. The lodging maximum shall not exceed that amount the hotel/motel actually charged the employee for single occupancy. A lower rate shall be allowed, based on actual charges, for multi-person occupancy.

Expenses for the following are not reimbursable:

- Alcohol
- Entertainment
- Amenities such as spa, in-room beverages/movies, workout facilities, golf
- Expenses incurred by employee's spouse or family members

Detailed receipts are required for meals, lodging, miscellaneous expenses, transportation, registration fees, phone/internet, and parking expenses. Meal costs will be reimbursed at actual costs, but shall in no case exceed \$46 per day.

Reimbursement of approved expenses is to be paid to personnel in the month immediately following the meeting attendance.

Employees may use the services of a travel agency for airline tickets. Tickets may be issued to a staff member and an invoice sent to the Treasurer, Educational Service Center for payment. Reimbursement for actual transportation costs shall be paid in accordance with the current IRS rate, for use of personal auto, or actual carrier costs of public transportation. When airline travel is used, tourist class costs shall prevail.

Conference registration costs of \$50 and over, maybe prepaid by the Treasurer upon employee submission of appropriate documents which indicate registration charges at the conference/meeting.

APPROVAL REQUIRED

The superintendent is authorized to approve professional meeting requests to the extent of appropriations and budgets for various personnel.

Revised 2-16-00; 8/16/06, 1/18/06, 6/29/11

EVALUATION OF ADMINISTRATORS

EVALUATION OF ADMINISTRATORS

Each assistant superintendent, director, supervisor, coordinator, assistant coordinator and other administrators shall be evaluated in accordance with this written evaluation procedure and in compliance with O.R.C. §3319.02. In the event of any conflict between this procedure and O.R.C. §3319.02, the provisions of O.R.C. §3319.02 shall apply as if incorporated into this procedure. As used in this procedure, the term “administrator” applies to any person whose evaluations are subject to the requirements of O.R.C. §3319.02.

- A. The evaluation shall be conducted by the Superintendent or his/her designee.
- B. The evaluation shall measure each administrator’s effectiveness in performing the duties included in the applicable job description. The Governing Board delegates authority to the Superintendent to develop evaluation instruments to implement this procedure.

If the administrator holds a position which is the functional equivalent of principal or assistant principal, then such administrator shall be evaluated in accordance with the standards-based model of the Ohio Principal Evaluation System (OPES) adopted by the Ohio Department of Education. Each administrator evaluated in accordance with OPES shall have: (1) two formal observations of at least thirty (30) minutes each; and (2) multiple periodic walkthroughs. As required by OPES, annual professional growth or improvement plans shall be developed and considered in an administrator’s final evaluation performance rating.

- C. In any school year that the administrator’s contract is not due to expire, at least one evaluation shall be completed in that year. A written copy of the evaluation 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.
- D. In any school year that the administrator’s contract of employment is due to expire, at least a preliminary evaluation and at least a final evaluation shall be completed in that year. A written copy of the preliminary evaluation shall be provided to the administrator at least sixty days prior to any action by the Board on the administrator’s contract of employment. The final evaluation shall indicate the Superintendent’s intended recommendation to the Board regarding a contract of employment for the administrator. A written copy of the final evaluation shall be provided to the administrator at least five days prior to the Board’s acting to renew or not renew the contract.
- E. Before taking action to renew or non-renew the contract of an administrator, the administrator shall be given written notice of the date that the contract expires and that the administrator may request a meeting with the Board. Upon request by the administrator, the Board shall grant the administrator a meeting in executive session. In that meeting, the Board shall discuss its reasons for considering the renewal or nonrenewal of the contract. The administrator shall be permitted to have a representative of the administrator’s choice at the meeting.
- F. The evaluation shall be considered by the Board in deciding whether to renew the administrator’s contract.
- G. If the Board takes action to non-renew the contract of an administrator, the administrator shall be provided with written notice of the Board’s action on or before the first day of June of the year in which the administrator’s contract expires.

- H. The establishment of this procedure shall not create an expectancy of continued employment. Nothing contained herein shall prevent the Board from making the final determination regarding the renewal or nonrenewal of the administrator's contract, provided the administrator has been given the evaluations required by this procedure and the opportunity, upon request, to meet with the Board as required by this procedure.

LEGAL REFS: O.R.C. §3319.02 Adopted: 6/19/13, 4-22-21

EVALUATION OF TEACHERS

The Governing Board of the Educational Service Center of Cuyahoga County, in consultation with teachers employed by the Governing Board, adopts this standards-based evaluation policy in conformance with the framework for teacher evaluation adopted by the State Board of Education under O.R.C. §3319.112. The Governing Board acknowledges that this teacher evaluation aligns with the *Standards for the Teaching Profession* as set forth in Ohio law.

The major goal of the policy for the evaluation of teachers employed by the Governing Board is to promote student achievement through improving teacher performance.

The Governing Board directs the Superintendent to implement this Policy in accordance with state law. The Governing Board directs the Superintendent and/or Designee to develop and maintain Administrative Guidelines to implement procedures, processes and related forms that align to State Law regarding the evaluation of teachers.

A. Teaching Employees Covered by this Policy

This policy applies to ESCNEO employees who meet one of the following categories:

1. A teacher working under a license issued under Ohio Revised Code (ORC) Sections 3319.22, 3319.26, 3319.222 or 3319.226 who spends at least 50% of his/her time providing content-related student instruction; or
2. A teacher working under a permanent certificate issued under ORC 3319.222 as existed prior to September 2003 who spends at least 50% of his/her time providing content-related student instruction; or
3. A teacher working under a permanent certificate issued under ORC 3319.222 as it existed prior to September 2006 who spends at least 50% of his/her time providing content-related student instruction; or

A teacher working under a permit issued under ORC 3319.301 who spends at least 50% of his/her time providing content-related student instruction.

B. Credentialed Evaluators

The Board will adopt a list of approved credentialed evaluators annually. Each teacher evaluation conducted under this Policy shall be conducted by a person: 1) who is eligible to be an evaluator in accordance with O.R.C.

§3319.111(D); and 2) who holds a credential established by the Ohio Department of Education (ODE) for being an evaluator.

C. Evaluation Timeline and Requirement

1. All Teachers

a. Except as provided below, an administrator shall conduct an evaluation of each teacher subject to this Policy at least annually. Each evaluation shall include all of the following:

- 1) At least two formal observations of at least 30 minutes each
 - 2) Multiple periodic classroom walkthroughs by the evaluator. All teacher evaluations shall be completed by May 1, and each teacher subject to this Policy shall be provided with a written copy of the evaluation results by May 10.
- b. For those teachers who are on limited or extended limited contracts pursuant to O.R.C. §3319.11 and who are under consideration for nonrenewal, one evaluation consisting of at least three formal observations must be conducted annually by May 1. Each teacher on a limited or extended limited contract shall be provided with a written copy of the evaluation results by May 10.

2. Accomplished Teachers

- a. The Governing Board directs the Superintendent or designee to evaluate a teacher receiving an effectiveness rating of “Accomplished” on the teacher’s most recent evaluation conducted pursuant to this Policy and gives authority that administration may conduct the evaluation once every three years so long as the teacher submits a self-directed professional growth plan that focuses on specific areas identified in observations and evaluation of the teacher, and the teacher’s evaluator determines that the teacher is making progress on that plan.
- b. In any year that an “Accomplished” teacher is not formally evaluated, a credentialed evaluator shall conduct at least one observation of the teacher and hold at least one conference with the teacher. The conference shall include a discussion of progress on the teacher’s professional growth plan.

3. Skilled Teachers

- a. The Governing Board directs the Superintendent or designee to evaluate a teacher receiving an effectiveness rating of “Skilled” on the teacher’s most recent evaluation conducted pursuant to this Policy and gives authority that administration may conduct the evaluation once every two years so long as the teacher and evaluator jointly develop a professional growth plan for the teacher that focuses on specific areas identified in the observations and evaluation of the teacher, and the evaluator determines that the teacher is making progress on that plan.
- b. In any year that a “Skilled” teacher is not formally evaluated, a credentialed evaluator shall conduct at least one observation of the teacher and hold at least one conference with the teacher. The conference shall include a discussion of progress on the teacher’s professional growth plan.

4. Teachers Not Subject to Evaluation

- a. The Governing Board directs the Superintendent or designee and gives authority that administration may conduct an evaluation of a teacher if the teacher was on approved leave for 50% or more of the school year.
- b. The Governing Board directs the Superintendent or designee and gives authority that administration may elect not to conduct an evaluation of a teacher if the teacher has submitted a notice of retirement not later than December 1 of the school year in which the evaluation is otherwise scheduled to be conducted and the notice has been accepted by the Governing Board.
- c. The Governing Board directs the Superintendent or designee and gives authority that administration may choose not to evaluate a teacher participating in a teacher residency program under R.C. 3319.223 for the year during which that teacher takes, for the first time, at least half of the performance-based assessments prescribed by the State Board of Education for resident educators.

D. Assigning an Effectiveness Rating

Each evaluation will result in a holistic effectiveness rating of “Accomplished,” “Skilled,” “Developing,” or “Ineffective.” An effectiveness rating is based on evidence obtained from behaviors observable in the classroom, teaching practices, student learning, formal conferences, informal conversations, and input from colleagues, parents/guardians and students.

Student learning (where applicable in accordance with Ohio Department of Education guidelines) and teacher performance information derived from multiple measures as set forth on the Teacher Performance Evaluation Rubric shall be combined to reach the holistic teacher effectiveness rating.

The Board shall annually submit to the ODE, in accordance with ODE guidelines, the number of teachers assigned an effectiveness rating, aggregated by the teacher preparation programs from which, and the years in which, the teachers graduated.

E. Teacher Observation and Evaluation Tools

Each teacher is evaluated during formal observations and multiple periodic classroom walkthroughs. ODE has concluded that a direct connection exists between effective teaching and student learning. The *Ohio Standards for the Teaching Profession* state that effective teachers meet all of the following criteria:

- 1. Understand student learning and development, respect student diversity, and hold high expectations for all students to achieve and progress at high levels
- 2. Know and understand the content area for which they have instructional responsibility
- 3. Understand and use varied assessment to inform instruction, evaluate and ensure student learning
- 4. Plan and deliver effective instruction that advances individual student learning
- 5. Create learning environments that promote high levels of learning and student achievement

6. Collaborate and communicate with students, parents, other educators, administrators, and the community to support student learning
7. Assume responsibility for professional growth and performance as an individual and as a member of the learning community

The Superintendent/designee has developed, in consultation with teachers, the evaluation tools to be used by the ESCNEO. The ESCNEO will use the Teacher Performance Evaluation Rubric prescribed by the ODE, which aligns with the *Ohio Standards for the Teaching Profession*.

F. Student Learning

Evaluations must include at least two measures of “high-quality student data,” as defined by ODE guidelines, to provide evidence of student learning attributable to the teacher being evaluated. High-quality student data may be used as evidence in any component of the evaluation where applicable. For the purpose of teacher evaluation, high-quality student data includes:

1. Teacher-Level Value-Added Data: “Value-Added” data refers to the value-added methodology provided by ODE. Value-added data, where applicable to the grade level or subject area taught by a teacher, and at least one other measure of high-quality student data shall be utilized to demonstrate student learning attributable to the teacher being evaluated.
2. ODE-Approved List of Vendor Assessments: Assessments, if utilized by the Governing Board-operated programs or District assignments must be included as one of the multiple measures of student learning.
3. Locally Determined Instruments: For courses of instruction in which neither Teacher Level Value-Added Data nor ODE-Approved Vendor Assessments are available, Governing Board operated programs or District assignments shall identify measures of high-quality student data to provide evidence of student learning attributable to the teacher being evaluated. No Student Learning Objectives (SLOs) or shared attribution shall be utilized in the evaluation of a teacher.

The amount the ESCNEO will attribute to Teacher-Level Value-Added, ODE-Approved Vendor Assessments, and Locally Determined Instruments will be determined locally by the Governing Board operated program and/or District assignment using ODE guidance and the Teacher Performance Evaluation Rubric.

G. Professional Growth and Improvement Plans

Either a professional growth plan or improvement plan will be developed annually for each teacher. The plan will be based on the results of the evaluation and must align with any ESCNEO, district, or building improvement plan. The Superintendent/designee in consultation with teachers will include annual professional growth and improvement plans as additional multiple measures to be considered in the final evaluation performance ratings.

H. Retention and Promotion Decisions

In the Administrative Guidelines, the Superintendent/designee will include procedures for using evaluation results to make retention and promotion decisions. The procedures included in the Administrative Guidelines for determining the retention and promotion of teachers may consider such factors as comparable evaluations, licensure, seniority, and the needs of Board-operated programs, contracting school districts or agencies. Seniority

shall not be a basis for making retention decisions, except when making a decision between teachers who have comparable evaluations.

I. Removal of Poorly-Performing Teachers

Poorly-performing teachers may be nonrenewed pursuant to O.R.C. §3319.11 or terminated pursuant to O.R.C. §§3319.16 and 3319.161.

J. Professional Development

The Governing Board will provide adequate financial resources determined by Superintendent/designee in consultation with teachers and administration to support professional development to promote student achievement through improving teacher performance.

K. Effective Date: September 1, 2020

LEGAL REFS.: O.R.C. §§3319.111, 3319.112

Previous Version:

Adopted: July 30, 2020

Revised: July 22, 2014, July 17, 2013, April 21, 1999, November 22, 1994, August 23, 1993, September 21, 1992, February 26, 1992
March 21, 1990, August 30, 1989

EVALUATION OF CERTIFIED EMPLOYEES

As used in this procedure, the term “certified employee” applies to any person who is employed under an O.R.C. §3319.08 contract, but who is not required to be evaluated pursuant to the Ohio Teacher Evaluation System (“OTES”) or the Ohio School Counselor Evaluation System (“OSCES”). Each certified employee shall be evaluated according to this written evaluation procedure.

- A. The evaluation shall be conducted by the Superintendent or his/her designee.
- B. The evaluation shall measure each certified employee’s effectiveness in performing the duties included in the applicable job description. The Governing Board directs the Superintendent or his/her designee to maintain evaluation instruments to implement this procedure.
- B. Each certified employee shall be evaluated annually. Each evaluation shall include two (2) cycles of formal observations and at least two (2) periodic classroom walkthroughs. All certified employee evaluations shall be completed by June 1 and each certified employee subject to this Policy shall be provided with a written copy of the evaluation results by June 1.
- C. For each certified employee who is employed under a limited or extended limited contract pursuant to O.R.C. §3319.11 and is under consideration for nonrenewal, at least three (3) formal observations must be conducted by the first day of June as part of the evaluation. Each certified employee subject to this Policy who the Governing Board intends to non-renew shall be provided by June 1: (1) a copy of the evaluation results; and (2) written notice of the Governing Board’s intention not to reemploy the certified employee’s employment contract.

Adopted: 9/22/16

LEGAL REFS.: O.R.C. §§3319.08; 3319.11; 3319.61

EVALUATION OF CLASSIFIED EMPLOYEES

All classified employees shall be evaluated at least once each year by the employee's supervisor or the Superintendent or his/her designee. The evaluation will be based upon the employee's effectiveness in performing the duties in the employee's job description for the position or positions held. An employee's evaluation shall be reviewed when determining employee assignment, re-employment, and other employment matters.

EVALUATION OF SCHOOL COUNSELORS

The Governing Board of the Educational Service Center of Northeast Ohio adopts this standards-based school counselor evaluation policy, which conforms with the framework for the evaluation of school counselors developed under O.R.C. §3319.113. In the event of any conflict between the procedure set forth in this policy and O.R.C. §3319.113, the provisions of O.R.C. §3319.113 shall apply as if incorporated into this policy.

The Governing Board directs the Superintendent to implement this Policy in accordance with state law. The Governing Board Directs the Superintendent and/or designee to develop and maintain Administrative Guidelines to implement procedures, processes and related forms that align to State Law regarding the evaluation of school counselors.

A. The standards and criteria set forth in the "Ohio Standards for School Counselors," developed by the Ohio Department of Education shall be used to distinguish between the following levels of performance for school counselors for purposes of assigning ratings on the evaluations conducted pursuant to this policy and O.R.C. §3319.113:

1. Accomplished
2. Skilled
3. Developing
4. Ineffective

B. Only individuals who have completed the Ohio School Counselor Evaluation System training are permitted to evaluate a school counselor in accordance with this policy.

C. Each school counselor will be provided with a copy of a written report of the results of his/her evaluation.

D. Beginning with the 2017-2018 school year, a school counselor's evaluation results will be considered by the Governing Board in making retention and promotion decisions, and for the removal of poorly performing school counselors.

E. The Governing Board shall provide for professional development to accelerate and continue school counselor growth and provide support to poorly performing school counselors.

F. School counselor evaluations shall occur annually, except as otherwise appropriate for a school counselor who received a final summative rating of accomplished or skilled on his/her most recent evaluation. The annual evaluation process will consist of two (2) formal observations of thirty (30) minutes each and more than one (1) informal observation at the discretion of the superintendent or designee.

G. The Governing Board authorizes the Superintendent or designee to evaluate each school counselor who received a final summative rating of “accomplished” on his/her most recent evaluation once every three (3) school years, so long as the metric of student outcomes, for the most recent school year for which data is available, is skilled or higher on the evaluation rubric. Such counselors will develop their own professional growth plans.

H. The Governing Board authorizes the Superintendent or designee to evaluate each school counselor who received a final summative rating of “skilled” on his/her most recent evaluation once every two (2) school years, so long as the metric of student outcomes, for the most recent school year for which data is available, is skilled or higher on the evaluation rubric. Such counselors will develop a professional growth plan collaboratively with their evaluator.

I. During the years in which a school counselor who received a final summative rating of “accomplished” or “skilled” on his/her most recent evaluation is not fully evaluated, at least one (1) observation and one (1) conference with the school counselor shall be conducted.

J. School counselors with a final summative rating of “developing” or “ineffective” on their most recent evaluation will develop a professional growth plan with their evaluator. For the professional growth plan to be implemented, such a plan must receive the approval of the Superintendent or designee.

K. A school counselor may be placed on an improvement plan at any time based on deficiencies in any individual component of the evaluation system.

L. A school counselor shall receive a full evaluation during the first year that he/she is employed or re-employed by the Governing Board, regardless of whether he/she received a final summative rating of “accomplished” or “skilled” on his/her most recent evaluation.

The Governing Board directs the Superintendent or designee to annually submit a report to the ODE, in a form and manner prescribed by the ODE, regarding the implementation of counselor evaluations in accordance with this policy.

LEGAL REFS: O.R.C. §3319.113

Adopted: 9/22/16

ADMINISTERING MEDICATION TO STUDENTS

Educational Service Center personnel serving in school districts shall follow the policy adopted by the board of education of that district. For contract programs, the following policy and attached regulations shall apply.

Many students are able to attend school regularly only through the effective use of medication in the treatment of disabilities or illness. Insofar as it is possible, provisions should be made for such medication to be given by the parent prior to or following the school day. When possible, parents should plan to bring and administer medication. Those students old enough to understand and follow directions for taking their medication should be responsible for the same under supervision. If this is not possible, the dispensation of medication during the school day will be done in accordance with the following:

A. The Superintendent or designee is authorized, when acting in situations other than those governed by O.R.C. §§2305.23, 2305.231, and 3313.712, to administer to a student a drug prescribed by a prescriber for the student in accordance with this Policy. Only Board employees who have licensed health professionals, or have completed an appropriate drug administration training program conducted by a licensed health professional and considered appropriate by the Board, may administer to a student a drug prescribed for the student. Except as otherwise required by federal law, no employee of this Board shall use the following procedures to administer drugs to a student:

1. Injection.
2. Catheterization.
3. Any other special procedures.

B. The school nurse or an appropriate person appointed by the building administrator will supervise the secure and proper storage and dispensation of medications. However, nothing in this Policy shall be construed to require a person employed by this Board to administer a drug to a student if such person objects, on the basis of religious convictions, to administering the drug.

C. No drug prescribed for a student shall be administered pursuant to this Policy or federal law, which includes but is not limited to the Individuals with Disabilities Education Act until the following occur:

1. The school nurse or other person(s) designated by the building administrator receives a written request, signed by the parent, guardian, or other person having care or charge of the student, that the drug is administered to the student.

2. The school nurse or designee receives a written statement, signed by the prescriber who prescribed the drug, which includes all of the following information:

- a. The name and address of the student;
- b. The school and class in which the student is enrolled;
- c. The name of the drug and the dosage to be administered;
- d. The time or intervals at which each dosage of the drug is to be administered;
- e. The date the administration of the drug is to begin;
- f. The date the administration of the drug is to cease;
- g. Any severe adverse reactions that should be reported to the prescriber and one or more telephone numbers at which the prescriber can be reached in an emergency;
- h. Special instructions for administration of the drug, including sterile conditions and storage.

3. The parent, guardian, or other person having care or charge of the student agrees to submit a revised statement signed by the prescriber of the drug to the school nurse or designee if any of the information previously provided by the prescriber pursuant to division (C)(2) of this Policy changes.

4. The school nurse or designee must receive a copy of all statements and revisions of any statement required by division (C) (1) and (2) of this Policy;

5. The drug is received by the school nurse or designee authorized to administer the drug to the student for which the drug is prescribed in the container in which it was dispensed by the prescriber or a licensed pharmacist. The parent is required to bring all medication to school; and

6. Any other procedures required by the Board are followed.

D. If a prescribed drug is administered to a student, the school nurse or designee shall acquire and retain copies of the written requests and statements required by this Policy, and shall ensure that by the next school day following the receipt of any such statement a copy is given to the person authorized to administer drugs to the student for whom the statement has been received and the original is kept on file in the building where the student attends school.

E. The school nurse or designee shall establish a location in each school building for the storage of drugs to be administered under this Policy. All such drugs shall be stored in that location in a locked storage place, except that drugs that require refrigeration may be kept in a refrigerator in a place not commonly used by students.

F. No person who has been authorized by the Board to administer a drug in accordance with this Policy and who has a copy of the most recent statement required by this Policy given to him in accordance with this Policy prior to administering the drug is liable in civil damages for administering or failing to administer the drug, unless such person acts in a manner that constitutes gross negligence or wanton or reckless misconduct.

G. This Policy may be changed, modified, or revised by action of the Board.

H. Nothing in this Policy affects the application of O.R.C. §§2305.23, 2305.231, or 3313.712 to the administration of emergency care or treatment to a student.

I. The ESC retains the discretion to reject requests for the administration of medication.

J. A copy of this Policy may be provided to parents upon their request for administration of medication in the schools.

K. In the case of over the counter drugs, the same procedures as outlined in the above Policy are to be followed with the exception of those procedures referring to the prescriber's permission and procedures. In the case of over the counter drugs, the parent is responsible for complying with all procedures in lieu of the prescriber and assumes liability for the above.

L. For purposes of this Policy, the term "prescriber" includes only the following:

1. A dentist licensed under O.R.C. Chapter 4715;
2. A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under O.R.C. §4723.48;
3. An optometrist licensed under O.R.C. Chapter 4725 to practice optometry under a therapeutic pharmaceutical agents certificate; or
4. A physician authorized under O.R.C. Chapter 4731 to practice medicine and surgery, osteopathic medicine and surgery, or podiatry.
5. A physician assistant who holds a certificate to prescribe issued under O.R.C. Chapter 4730.

REPORTING OF SUSPECTED CHILD ABUSE OR NEGLECT

The Ohio General Assembly has granted legal immunity for those persons reporting suspected cases of child abuse. Such persons must immediately report any and all suspected cases of child abuse.

- A. Employees of the Governing Board who know or have reasonable cause to suspect based on the facts that would cause a reasonable person in a similar position to suspect that a child less than eighteen (18) years of age or any developmentally disabled or physically impaired child under twenty-one (21) years of age has suffered or faces the threat of suffering a physical or mental wound, injury, disability or condition of such a nature as to reasonably indicate abuse or neglect of such child shall immediately report the knowledge or reasonable cause to suspect to the agency or officer responsible for children services functions in the county in which the child resides.

The reports shall be made forthwith by telephone or in-person and shall be followed by a written report if requested. The report shall contain the following information:

1. The name and address of the child and his parents or person or persons having custody of such child, if known;
 2. The child's age and the nature and extent of the child's injuries, abuse, or neglect, including any evidence of previous injuries, abuse, or neglect;
 3. Any other information which might be helpful in establishing the cause of the injury, abuse, or neglect; and
- B. A copy of the above-listed report items shall be forwarded to the employee's direct ESC supervisor and the building supervisor, if different.
- C. Any employee participating in the making of such reports, or participating in a judicial proceeding resulting from such report shall be immune under O.R.C. §2151.421 from any civil or criminal liability that might otherwise be incurred or imposed as a result of such actions.

Sexual Grooming

Grooming is the process of cultivating trust with a victim through direct, telephonic or online means and gradually introducing inappropriate behaviors until reaching the point where it is possible to perpetrate a crime, including a sex crime, against the victim. The Governing Board believes that grooming is a threat of a physical or mental injury or condition that constitutes abuse or neglect of the subject child. Therefore, any employee of the Board who knows or has reasonable cause to suspect that another employee or person is engaged in the process of grooming a student must immediately report such behavior to the agency or individual responsible for children and family services in the county in which the child resides, and to the suspected groomer's immediate supervisor or building administrator.

LEGAL REFS: O.R.C. §§2151.421; 3319.073

Adopted: 10-20-12

Revised: 7-26-18

CHILD ABUSE RECOGNITION/PREVENTION TRAINING

Each person employed by the Governing Board to work in an elementary, middle or high school as a nurse, teacher, counselor, school psychologist, mental health provider or administrator shall complete at least four (4) hours of in-service training in the recognition and prevention of child abuse, violence, human trafficking, and substance abuse; the promotion of positive youth development; and school safety and violence prevention within two (2) years of commencing employment with the Educational Service Center of Northeast Ohio and every five

(5) years thereafter. Said employees shall undergo training in youth suicide awareness and prevention programs once every two (2) years, which shall include training regarding risk factors, warning signs, and resources for students.

In addition, for those serving high school students, the abuse recognition/prevention training must also cover prevention of dating violence.

LEGAL REFS: O.R.C. §3319.073 Adopted: 10-20-12 Revised 1-14-16, 2-21-19, 2-20-20

RESTRAINT AND SECLUSION

Ohio law requires the Governing Board of the Educational Service Center of Northeast Ohio (ESCNEO) to implement a system-wide framework of non-aversive Positive Behavior Intervention and Supports (“PBIS”) for its employees to address inappropriate behavior by students and in order to greatly reduce (or eliminate) the use of restraint or seclusion on students. The PBIS framework applies to all students and staff in all settings.

PROHIBITED PRACTICES

The use of any practice or technique listed in O.A.C. §3301-35-15(C) is prohibited under all circumstances (including emergency safety situations). Prohibited practices/techniques include but are not limited to prone restraint; any physical restraint involving the pinning of a student by placing knees to the torso, head, or neck; pressure point, pain compliance, or joint manipulation; any technique that unnecessarily causes pain or unduly risks serious harm to the student; corporal punishment; child endangerment; seclusion or restraint of a preschool student in violation of O.A.C. §3301-37-10(D); any deprivation of basic needs; chemical restraint; unauthorized mechanical restraint; aversive behavioral interventions; and restraint that obstructs the airway of a student or impacts a student’s primary mode of communication.

PHYSICAL RESTRAINT

Physical restraint may be used only when there is an immediate risk of physical harm to the student or others, no other safe and effective intervention is possible, and only in a manner that is age and developmentally appropriate.

SECLUSION

Seclusion may be used only when there is an immediate risk of physical harm to the student or others, no other safe and effective intervention is possible, and only in a manner that is age and developmentally appropriate. Seclusion shall never be used as a form of punishment, to force compliance, for the convenience of staff, or in a manner that endangers a student. A room or area used for seclusion shall provide for adequate space, lighting, ventilation, clear visibility, and the safety of the student. The room or area used for seclusion shall never be locked.

USE OF RESTRAINT OR SECLUSION TECHNIQUES

Physical restraint and/or seclusion may only be used by trained ESCNEO employees in a manner that protects the safety of all children and adults. Employees/Staff using the techniques of physical restraint or seclusion must:

- A. Be appropriately trained to protect the care, welfare, dignity, and safety of the student;
- B. Continually observe the student in restraint or seclusion for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
- C. Use verbal strategies and de-escalation techniques in an effort to help the student regain control;
- D. Immediately remove the student when the risk of physical harm to self or others has dissipated;
- E. Conduct a debriefing with all involved staff to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs; and
- F. Complete all required reports and document staff observations of the student.

TRAINING AND PROFESSIONAL DEVELOPMENT

Personnel shall be trained annually in accordance with O.A.C. §3301-35-15.

REQUIRED DATA AND REPORTING

Any incident of seclusion or restraint involving an ESCNEO employee shall be documented in writing and immediately reported to building supervision, the Director of Pupil Services of the ESCNEO, and the parents of the student restrained or secluded. A copy of the report shall be made available to the parent or guardian within twenty-four (24) hours, and the ESCNEO shall maintain a copy of the report.

The ESCNEO annually shall report information regarding its use of restraint and seclusion to the Ohio Department of Education.

COMPLAINT PROCEDURE AND PARENTAL NOTIFICATION

Parents shall be notified of this policy on an annual basis and an electronic version of the policy shall be posted on the ESCNEO's website. Parents may submit written complaints to the Superintendent regarding an incident of restraint or seclusion. Upon receipt of such a complaint, the Superintendent shall initiate an investigation of the incident to be performed by the Superintendent or the Superintendent's designee. The investigator shall respond to the parent's complaint, in writing, within thirty (30) days of receiving the parent's complaint.

DEFINITIONS

The terms used in the above-described Policy shall have the same definitions as provided in O.R.C. §3301-35-15(A).

LEGAL REF.: O.A.C. §3301-35-15

Adopted: 2-20-14

FACILITY SAFETY

The Governing Board is committed to maintaining a safe and drug-free environment in all of the Educational Service Center's (ESC) facilities and the facilities served by the ESC.

Emergency Management Plan (EMP)

The Superintendent shall prepare a comprehensive emergency management plan (EMP) for each ESC facility. The Superintendent shall involve community law enforcement and safety officials, employees who are assigned to the facility, and, where applicable, parents of students who are assigned to the building. The plan shall examine the environmental conditions and operations of each facility to determine potential hazards to the safety of individuals in the facility and changes to promote the prevention of potentially dangerous problems and circumstances. Remediation strategies shall be incorporated into the EMP for any building where documented safety problems have occurred. An EMP and building blueprints are not public records pursuant to O.R.C. §149.433. Each EMP will consist of four (4) parts:

- A. A single document addressing all hazards that may negatively impact the facility; including but not limited to active shooter, hostage, bomb threat, act of terrorism, bullying, and any other natural or manmade events that are known or should reasonably be known that compromise the health or safety of students, employees, administrators, or property. The document will include:
 - 1. Hazard identification and risk analysis.
 - 2. An all-hazards emergency operations plan compliant with the National Incident Management System (NIMS) organized around five mission areas: prevention, protection, mitigation, response, and recovery.
 - 3. The access and functional needs of the students, teachers, and staff.
 - 4. Education for students, staff, and administrators to avoid, deter, or stop an imminent crime or safety issue, threatened or actual.
 - 5. Procedures for notifying law enforcement, fire, EMS, emergency management, mental health, and other outside experts who could assist in responding to and recovering from an emergency.
- B. A floor plan that is unique to each floor of the building.
- C. A site plan that includes all building property and surrounding property.
- D. An emergency contact information sheet.

The plan shall be updated and revised at least every three (3) years from the previous date of compliance to reflect lessons learned and best practices to continually improve the plan.

The Superintendent, or designee, shall submit an electronic copy of each EMP to the Ohio Department of Education (ODE) not less than once every three (3) years, whenever a major modification to the building requires changes to the procedures outlined in the EMP, and whenever the information on the emergency contact information sheet changes. A copy also shall be filed with each law enforcement agency that has jurisdiction over a facility and, upon request, the local fire department, emergency medical service organization, and county

emergency management agency serving the area in which the facility is located. Updated EMPs shall be filed with ODE and the agencies within ten (10) days after revised EMPs are adopted.

Prior to the first day of the school year, if students attend the facility, the Administration shall inform each enrolled student and student's parents/legal guardians of the parental notification procedures. Any student and their parent/legal guardian enrolled in the facility after the annual notification shall be notified upon enrollment.

Emergency Management Test

At least one emergency management test shall be conducted annually in accordance with the rules adopted by ODE. The test must be a scheduled event. An actual emergency will not satisfy the requirement to conduct an annual test. The emergency management test must be a tabletop, functional, or full-scale as defined in O.A.C. §3301-5-01(E), and each type shall be used once every three (3) years. The test must include at least one (1) hazard from the hazard analysis in the EMP and at least one (1) functional content area. At least one (1) representative from law enforcement, fire, EMA, EMS, and/or behavioral health should be included. Students will not participate in the emergency management test.

The Superintendent, or designee, shall submit an after-action report to the ODE no later than thirty (30) days after the emergency management test is held documenting the following: 1) date/time/weather/length of exercise; 2) the type of discussion/operation based exercise; 3) the scenario utilized; 4) the hazard(s) utilized; 5) the functional content area(s) utilized; and 6) the identification of at least three (3) strengths and at least three (3) improvement areas of the EMP discovered as a result of the emergency management test.

Access shall be granted to facilities under the ESC's control to law enforcement personnel and any local fire department, emergency medical services organization, and/or county emergency management agency, so that the entities may hold training sessions for responding to threats and emergency events affecting the facility, provided that the access occurs outside of student instructional hours and the Administration is present in the building during training sessions.

Threat Assessment

The Board authorizes the Superintendent to create threat assessment teams at each facility operated by the ESC and develop relevant guidelines. Each team shall be headed by an Administrator and may include a counselor, psychologist, instructional personnel, and/or school or local law enforcement security personnel. The team will meet when the Administrator learns an individual has made a threat of violence or engages in concerning communications or behaviors that suggest the likelihood of a threatening situation. The team may investigate, make a determination as to whether the individual poses a threat of violence, and develop plans to manage or reduce the threat posed by the individual. Threat assessment team members shall maintain student confidentiality as required by State and federal law.

Employee Reporting of Threats

Employees shall immediately report to the Superintendent, or designee, any expression of intent to harm another person or other statements or behaviors that suggest an individual may intend to commit an act of violence that may affect the ESC or facilities served by the ESC. Nothing in this policy supersedes an individual's responsibility to contact law enforcement in an emergency.

Victims of Violent Crime

Despite the diligent efforts of the administration and staff to provide a safe environment, an individual may be a victim of a violent crime in a facility, school, on school grounds, in a vehicle, or at a sponsored activity.

LEGAL REFS.: O.R.C. §3313.536; O.A.C. §3301-5-01; Title IX, Section 9532 of the No Child Left Behind Act of 2001, 20 U.S.C. 6301 et seq.; Public Law 107-110
Adopted: 7-26-18