



SPECIAL EDUCATION MODEL POLICIES AND PROCEDURES

Adopted on:

December 9, 2021

Date

By:

Par Excellence Academy

District

July 1, 2009

INTRODUCTION

By adopting these Model Policies and Procedures, Par Excellence Academy (the “District”) is adopting written policies and procedures regarding the manner in which the District fulfills its obligations under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and the *Ohio Operating Standards for Ohio Educational Agencies Serving Children with Disabilities* (hereafter referred to as the “Operating Standards”). The Operating Standards require that the District adopt written policies and procedures in a number of different areas, and the District has chosen to adopt the model policies and procedures promulgated by the Ohio Department of Education’s Office for Exceptional Children (ODE-OEC) in order to satisfy these requirements of the Operating Standards.

This document, while comprehensive, does not include every requirement set forth in the IDEA, the regulations implementing IDEA, the Operating Standards, the Ohio Revised Code (ORC) and/or the Ohio Administrative Code (OAC). The District recognizes its obligation to follow these laws, regardless of whether their provisions are restated in the Model Policies and Procedures.

I. FREE APPROPRIATE PUBLIC EDUCATION (FAPE)

The District ensures that a free appropriate public education (FAPE) is made available to all children with disabilities between the ages of 3 and 21, inclusive, in accordance with IDEA and the Operating Standards.

A. RESIDENTIAL PLACEMENT

If the District places a child with a disability in a public or private residential program deemed necessary to provide special education and related services to a child with a disability, the program, including non-medical care and room and board, is at no cost to the parents of the child.

B. ASSISTIVE TECHNOLOGY

The District makes assistive technology available if required as part of the child's special education, related services or supplementary aids and services.

C. EXTENDED SCHOOL YEAR (ESY) SERVICES

The District ensures that extended school year services are provided if a child's individualized education program (IEP) team determines that the services are necessary for the provision of FAPE to the child. If a child is transitioning from Part C services, the District considers extended school year (ESY) services as part of the IEP process.

D. NONACADEMIC SERVICES

The District takes steps, including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities as provided to students without disabilities.

Nonacademic and extracurricular services and activities include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities and employment of students, including both employment by the school district and assistance in making outside employment available.

E. PROGRAM OPTIONS AND PHYSICAL EDUCATION

The District takes steps to ensure that children with disabilities served by the District have available to them the variety of educational programs and services available to nondisabled

children served by the school district, including art, music, industrial arts, consumer and homemaking education and vocational education.

The District ensures that a child with a disability receives appropriate physical education services. The District affords each child with a disability the opportunity to participate in a regular physical education program available to non-disabled children, unless the child is enrolled full time in a separate facility or needs specially designed physical education, as prescribed in the child's IEP. The District provides a specially designed physical education program if prescribed by the IEP.

For preschool children, the District considers adapted physical education or related services, as appropriate, in conjunction with center-based or itinerant teacher services, and considers the factors set forth in 3301-51-11(F) of the Operating Standards.

F. TRANSPORTATION

The District provides, as a related service, transportation service in accordance with IDEA and the Operating Standards.

II. CONFIDENTIALITY

The District safeguards the confidentiality of personally identifiable information at use, collection, storage, retention, disclosure and destruction stages. In the District, **STUDENT SERVICES DEPARTMENT** (name of responsible official) is responsible for maintaining the confidentiality of personally identifiable information. The District ensures that all persons collecting or using personally identifiable information receive training and instruction regarding the District's policies regarding that information. The District maintains for public inspection a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information. The District gives notice to all parents of students receiving special education and related services that is adequate to fully inform parents about confidentiality requirements, in accordance with 3301-51-04(C) of the Operating Standards. The District also ensures that its contractors adhere to applicable confidentiality requirements.

A. ACCESS RIGHTS

The District permits parents (or a representative of a parent) to inspect and review any education records relating to their children that are collected, maintained, or used by the District. If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information. The District does not charge a fee to search for or retrieve information. The District may charge a fee for copies of records, but does not charge a fee for copies of records that will effectively prevent the parents from exercising their right to inspect and review records.

The District complies with a request to access records without unnecessary delay and before any meeting regarding an IEP, or any hearing pursuant to 3301-51-05 of the Operating Standards, and any resolution session pursuant to 3301-51-05 of the Operating Standards, and in no case more than 45 days after the request has been made.

The District responds to reasonable requests for explanations and interpretations of the records, provides copies if failure to provide copies would effectively prevent the parent from exercising the right to inspect and review the records and permits a representative of a parent to inspect and review records.

The District presumes that a parent has the authority to inspect and review records relative to that parent's child unless the District has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation and divorce.

Upon request, the District provides parents a list of the types and locations of education records collected, maintained or used by the District.

The District keeps a record of parties obtaining access to education records collected, maintained or used under Part B of the IDEA (except access by parents and authorized employees of the

participating agency), including the name of the party, the date access was given and the purpose for which the party is authorized to use the records.

B. AMENDMENT OF RECORDS/HEARING PROCESS

If a parent requests the District to amend the information in the education records collected, maintained or used in the provision of special education or related services, the District decides whether to amend the information in accordance with the request within a reasonable period of time. If the District decides to refuse to amend the information in accordance with the request, it informs the parent of the refusal and advises the parent of the right to a hearing as set forth below and in 3301-51-04 of the Operating Standards.

(1) HEARING PROCEDURE

If the parent requests a hearing to challenge information in education records, the hearing is conducted in accordance with the procedures in 34 Code of Federal Regulations (C.F.R.) 99.22 (July 1, 2005) and within a reasonable period of time after the District receives the request. The hearing is conducted in accordance with the following procedures:

- (a) The parents shall be given notice of the date, time and place reasonably in advance of the hearing;
- (b) The records hearing shall be conducted by any individual, including an official of the District, who does not have a direct interest in the outcome of the hearing;
- (c) The parents shall be afforded a full and fair opportunity to present evidence relevant to the child's education records and the information the parent believes is inaccurate or misleading or violates the privacy or other rights of the child;
- (d) The parents may, at their own expense, be assisted or represented by one or more individuals of their choice, including an attorney;
- (e) The District makes its decision in writing within a reasonable period of time after the hearing; and
- (f) The decision is based solely upon the evidence presented at the hearing and includes a summary of the evidence and the reasons for the decision.

(2) RESULTS OF HEARING

If the District, as a result of the hearing, decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it amends the information accordingly and informs the parent in writing.

If the District, as a result of the hearing, decides that the information is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it must inform the parent of the parent's right to place in the child's records a statement commenting on the information or setting forth any reasons the parents disagree with the decision of the District.

Any explanation placed in the records of a child are:

- (a) Maintained by the District as part of the records of the child as long as the record or contested portion is maintained by the District; and

- (b) Disclosed any time the records of the child or the contested portion is disclosed by the District to any party.

C. PARENTAL CONSENT PRIOR TO DISCLOSURE OF RECORDS

The District obtains parental consent before personally identifiable information is disclosed to parties, other than officials of participating agencies in accordance as defined by 3301-51-04(B)(3) of the Operating Standards, unless the information is contained in education records and the disclosure is authorized without parental consent under the Family Educational Rights and Privacy Act of 1974, August 1974, 20 U.S.C. 1232g (FERPA).

The parent's consent must be in writing, signed and dated and must:

- (1) Specify the records to be disclosed;
- (2) State the purpose of the disclosure; and
- (3) Identify the party or class of parties to whom the disclosure may be made.

The District obtains parental consent, or the consent of an eligible child who has reached the age of majority under Ohio law, before personally identifiable information is released:

- (1) To officials of participating agencies providing or paying for transition services in accordance with 3301-51-07 of the Operating Standards;
- (2) To officials in another district or school in connection with the child's enrollment in a nonpublic school; and/or
- (3) For purposes of billing insurance and/or Medicaid.

D. TRANSFER OF RIGHTS AT AGE OF MAJORITY

The District affords rights of privacy to children similar to those afforded to parents, taking into consideration the age of the child and type or severity of disability.

The rights of parents regarding education records under FERPA transfer to the child at age 18.

If the rights accorded to parents under Part B of the IDEA are transferred to a child who reaches the age of majority (which is 18 in Ohio), the rights regarding education records also transfer to the child. See Chapter IV, Procedural Safeguards, Section G, regarding the transfer of rights under IDEA at the age of majority.

Once a child reaches the age of 17, the IEP must include a statement that the child has been informed regarding this transfer of rights.

E. DISCIPLINARY INFORMATION AND REPORTS TO LAW ENFORCEMENT

The District includes in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmits the statement to

the same extent that disciplinary information is included in, and transmitted with, the records of nondisabled children.

When a child transfers from the District, the transmission of any of the child's records includes both the child's current IEP and any statement of current or previous disciplinary action that has been taken against the child.

A statement of disciplinary action shall:

- (1) Specify the circumstances that resulted in the disciplinary action and provide a description of the disciplinary action taken if the disciplinary action was taken because the child:
 - (a) Carried a weapon to or possessed a weapon at school, on school premises or to or at a school function;
 - (b) Knowingly possessed or used illegal drugs, or sold or solicited the sale of a controlled substance, while at school, on school premises or at a school function; or
 - (c) Inflicted serious bodily injury upon another person while at school, on school premises or at a school function; and
- (2) Include any information that is relevant to the safety of the child and other individuals involved with the child.

A statement of disciplinary action may include a description of any other behavior engaged in by the child that required disciplinary action, and a description of the disciplinary action taken.

If the District reports a crime to the appropriate law enforcement officials, the District transmits copies of the special education and disciplinary records of the child to those officials only to the extent that the transmission is permitted by FERPA and any other applicable laws.

F. DESTRUCTION OF RECORDS

The District informs parents when personally identifiable information is no longer needed to provide educational services to the child. If the parents request, the information is then destroyed. However, a permanent record of a student's name, address, telephone number, grades, attendance record, classes attended, grade level completed and year completed is maintained without time limitation.

III. CHILD FIND

In accordance with federal law, the District assumes responsibility for the location, identification and evaluation of all children birth through age 21 who reside within the district and who require special education and related services.

This includes students who are:

- (1) Advancing from grade to grade;
- (2) Enrolled by their parents in private elementary or private secondary schools, including religious schools, located in our District (regardless of the severity of their disability);
- (3) Wards of the state and children who are highly mobile, such as migrant and homeless children; and
- (4) Home-schooled.

A. RESPONSIBILITY FOR DETERMINING ELIGIBILITY

In the District, the Evaluation Team ensures that the student meets the eligibility requirements of IDEA and state regulations.

In all cases, the Evaluation Team will not determine that a student has a disability if the suspected disability is because of a lack of instruction in reading or math. If the student is not proficient in English, the District will not identify the student as disabled if the limited English proficiency (LEP) is the cause of the suspected disability.

B. CHILD IDENTIFICATION PROCESS

(1) GENERAL

The District has a child identification process that includes the location, identification and evaluation of a child suspected of having a disability. **STUDENT SERVICES DEPARTMENT** (title of individual or department) coordinates the child identification process. The department and its staff use a variety of community resources and systematic activities in order to identify children requiring special services. District staff members consult with appropriate representatives of private school students attending private schools located in the District in carrying out this process. The District ensures that this process for students attending private or religious schools located in the District is comparable to activities undertaken for students with disabilities in the public schools.

(2) IDENTIFICATION OF CHILDREN BETWEEN THE AGES OF BIRTH TO AGE 3.

When the District becomes aware of a child between the ages of birth to 3 who has or may have a disability, it either:

- (a) Makes a child referral directly to the county family and children first council responsible for implementing the “Help Me Grow” (HMG) early intervention services under Part C of the IDEA; and/or

- (b) Provides the parents with the information so that they can make the referral themselves.

Parents may opt out of and/or opt not to be referred for Part C services. They may request an evaluation from the District to determine if their child has a disability that may require special education. These parents are entitled to an evaluation from the District, even if the child is between the ages of birth to 3. The District is responsible for providing an evaluation but is not responsible for the provision of FAPE for an eligible child until the child is age 3.

(3) TRANSITION TO SPECIAL EDUCATION FROM HELP ME GROW (HMG).

The District and the county family and children first council responsible for HMG have a current interagency agreement that includes processes for the referral of children from HMG to the District. The District has an assigned transition contact, **STUDENT SERVICES DEPARTMENT**, who is the primary person responsible for contact with HMG regarding children transitioning from that program.

- (a) If invited by a representative of HMG (and with parent permission), a District representative attends a transition conference to discuss transition from early intervention services to preschool for a child suspected of having a disability.
- (b) If the parents request, the District invites the Part C service coordinator to the initial IEP meeting.

If there is a suspected disability and the child is eligible for special education and related services as a preschool child, the District works to ensure that an IEP is in place and implemented by the child's third birthday. In the case of children who are 45 days or less from their 3rd birthdays and who are suspected of having disabilities, an evaluation is completed within 60 days of parental consent, but an IEP is not required by their third birthdays.

As part of the IEP process, the IEP team determines if extended school year services are required for the preschool child.

(4) COORDINATION WITH OTHER AGENCIES.

The District has interagency agreements with Head Start programs within the school district's service delivery that provide for:

- (a) Service coordination for preschool children with disabilities, 3 through 5 years of age, in a manner consistent with the state interagency agreement for service coordination with Head Start; and
- (b) Transition of children eligible for special education and related services as a preschool child at age 3.

The District also has interagency agreements with the relevant county board(s) of MR/DD for identification, service delivery and financial responsibilities to adequately serve preschool children with disabilities 3 through 5 years of age.

C. DATA COLLECTION

The District maintains an education management information system and submits data to ODE pursuant to rule 3301-14-01 of the Administrative Code. The District's collection of data includes information needed to determine if significant disproportionality based on race and ethnicity is occurring in the District with respect to the identification of children as children with disabilities, the placement of children in educational settings and the incidence, duration and type of disciplinary actions.

IV. Procedural Safeguards

A. PRIOR WRITTEN NOTICE

The District provides prior written notice as required by IDEA and Operating Standards. See Appendix A which summarizes the situations in which prior written notice is required. The District uses the form required by ODE-OEC Prior Written Notice PR-01.

(1) CONTENT OF PRIOR WRITTEN NOTICE

The prior written notice, in accordance with the IDEA regulations and the Operating Standards, includes the following information to ensure that parents are fully informed of the action being proposed or refused:

- (a) A description of the action proposed or refused by the District;
- (b) An explanation of why the District proposes or refuses to take this action;
- (c) A description of other options that the IEP team considered and the reasons why those options were rejected;
- (d) A description of each evaluation procedure, assessment, record or report that the District used as a basis for the proposed or refused action;
- (e) A description of other factors that are relevant to the District's proposal or refusal;
- (f) A statement that the parents of a child with a disability have procedural safeguards and, if the notice is not an initial referral for evaluation, the means by which a copy of the description of procedural safeguards can be obtained; and
- (g) Sources for parents to contact to obtain assistance in understanding the provisions of Ohio's rule regarding procedural safeguards.

(2) COMMUNICATION OF THE PRIOR WRITTEN NOTICE

The District provides the notice in the native language of the parents or other mode of communication used by the parents unless it is clearly not feasible to do so.

If the native language or other mode of communication is not a written language, the District takes steps to have the notice translated orally or by other means to the parent in the parent's native language or other mode of communication. The District takes steps to ensure that such parents understand the content of the notice and maintains written evidence that both requirements set forth in this paragraph, if applicable, have been met.

The District may provide the prior written notice, procedural safeguards notice and the notification of a due process complaint by e-mail if the parents choose to receive the notices electronically.

B. PROCEDURAL SAFEGUARDS NOTICE

Parents of a child with a disability are entitled to specific procedural safeguards under IDEA and the Operating Standards.

Whose IDEA Is This? A Parent's Guide to the Individuals with Disabilities Education Improvement Act of 2004, developed by ODE-OEC, includes a full explanation of these procedural safeguards as required by IDEA and 3301-51-02, 3301-51-04 and 3301-51-05 of the Operating Standards.

The District provides parents with a copy of *Whose IDEA Is This?* at least once a year. This includes:

- (1) Providing a copy to the parents of a child who transfers into the District from out-of-state; and
- (2) Providing a copy to the parents of a child who transfers into the District from an in-state school if the sending District has not provided a copy to the parents during the current school year.

In addition, the District provides parents with a printed copy of this procedural safeguards notice in each of the following circumstances:

- (1) The initial referral or parental request for evaluation;
- (2) The receipt of the first due process complaint in a school year;
- (3) A change in placement for disciplinary action; and
- (4) When requested by the parents or the child who has reached the age of majority.

In providing *Whose IDEA is This?*, the District follows the procedures for communication that are described above under Prior Written Notice.

C. PARENTAL CONSENT

Consent means that the parents:

- (a) Have been fully informed, in the parents' native language or other mode of communication, of all information relevant to the activity for which consent is sought;
- (b) Understand and agree in writing to the carrying out of the activity for which the consent was asked. The consent describes that activity and lists the records (if any) that will be released and to whom they will be released; and
- (c) Understand that the granting of consent is voluntary and may be revoked at any time.

(1) ACTIONS REQUIRING INFORMED WRITTEN PARENTAL CONSENT

The District obtains written consent from the parents before:

- (a) Conducting an initial evaluation to determine if a child is eligible for special education;
- (b) Initially providing special education and related services;
- (c) Conducting a reevaluation when assessments are needed;
- (d) Making a change in placement on the continuum of alternative placement options (i.e., regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions); and
- (e) Releasing personally identifiable information about the child to any person other than a person authorized to obtain those records without parental consent pursuant to FERPA. For example, parental consent is obtained prior to releasing records to a representative of

an agency that is likely to be responsible for providing or paying for transition services or for the purposes of billing Medicaid.

The District uses the ODE-OEC required Consent for Evaluation PR-05 form to obtain written parental consent for evaluation and reevaluation and the required IEP PR-07 form to obtain written parental consent for the initial provision of special education and related services and for making a change in placement.

The District does not obtain written parental consent when reviewing existing data as part of an evaluation or reevaluation or when administering a test or evaluation that is given to all children, unless consent is required of all parents.

(2) CHANGE IN PLACEMENT

Once the District receives the initial parental consent for special education and related services, the District must obtain consent only for a change in placement. A “change of placement” means a change from one option on the continuum of alternative placements to another (instruction in regular classes, special schools, home instruction and instruction in hospitals and institutions).

If the District cannot obtain parental consent, it may file a due process complaint requesting a due process hearing or engage in conflict resolution to obtain agreement or a ruling that the placement may be changed.

(3) PARENTS’ FAILURE TO RESPOND OR REFUSAL TO PROVIDE CONSENT

The District makes “reasonable efforts” to contact parents and obtain written parental consent that may include:

- (a) Written correspondence;
- (b) Phone calls;
- (c) Electronic mail communications, to include but not limited to e-mail and password-protected parent pages; and/or
- (d) Visits to the home or parents’ places of employment.

The District documents its attempts. If the parents fail to respond or refuse to provide consent, the District proceeds as follows:

(4) INITIAL EVALUATION

If the parents fail to respond to the District’s efforts to obtain consent or refuse consent for the initial evaluation, the District may:

- (a) Request a due process hearing and engage in conflict resolution (e.g., resolution meeting and/or mediation) to convince the parents to provide their consent; or
- (b) Decide not to pursue the initial evaluation and provide the parents with prior written notice.

If the child is being home schooled or has been placed in a private school at the parents' expense, the District cannot file a due process complaint or request the parents to participate in a resolution meeting and/or mediation.

(5) REEVALUATION

If the parents fail to respond to the District's efforts to obtain consent for a reevaluation when assessments are needed, the District proceeds with the reevaluation.

If the parents expressly refuse consent for a reevaluation when assessments are needed, the District may:

- (a) Agree with the parents that a reevaluation is unnecessary;
- (b) Conduct a reevaluation by utilizing data and/or documentation that the District already possesses;
- (c) Request a due process hearing and engage in conflict resolution (e.g., resolution meeting and/or mediation) to convince the parents to provide their consent; or
- (d) Decide not to pursue having the child reevaluated.

The District continues to provide FAPE to the child if the District agrees with the parents that a reevaluation is unnecessary.

(6) INITIAL PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES

If the parents do not attend the IEP meeting to develop the IEP for the initial provision of services, the District attempts to obtain written parental consent through other methods such as calling the parents, corresponding with the parents and or visiting the parents.

If the parents expressly refuse consent, as evidenced by their signatures on the IEP indicating that consent is not given, the District maintains a copy of the signed IEP showing that the District offered FAPE.

If the parents fail to respond or refuse consent, the District provides the parents with prior written notice and continues to provide the child with appropriate interventions in the regular education classroom. The District may not request a due process hearing or engage in conflict resolution to obtain agreement or a ruling that services may be provided to the child.

The District does not use the parents' refusal to consent to one service or activity to deny the parents or the child any other service, benefit or activity in the District, except in those instances in which IDEA authorizes that denial.

(7) REVOCATION OF CONSENT

The parents may revoke consent for and remove the child from special education and related services. Once the District receives written revocation of consent, it provides the parents with prior written notice and continues to provide the child with appropriate interventions through the regular education environment.

The District is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.

If a parent has provided written revocation of consent, the District does not file a due process complaint or engage in conflict resolution to attempt to obtain agreement or a ruling that special education and related services may be provided to the child.

D. INDEPENDENT EDUCATIONAL EVALUATION

Parents who disagree with an evaluation that was completed or obtained by the District may request an independent educational evaluation at public expense. Parents are entitled to request only one independent educational evaluation at public expense each time the District conducts an evaluation with which the parents disagree.

(1) INDEPENDENT EDUCATIONAL EVALUATION AT PUBLIC EXPENSE

If the parents request an independent educational evaluation at public expense, the District either:

- (a) Ensures that an independent evaluation is provided at public expense; or
- (b) Files a due process complaint requesting a hearing to show that the District's evaluation is appropriate.

If the District files a due process complaint and the final decision is that the District's evaluation is appropriate, the parent still has the right for an independent educational evaluation, but not at the public expense.

(2) PARENT INITIATED EVALUATIONS

If a parent obtains an independent educational evaluation at public expense or shares with the District an evaluation obtained at private expense, the District considers that evaluation, if it meets District criteria, in any decision made with respect to the provision of FAPE to the child.

(3) DISTRICT CRITERIA

If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the District uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation. Except for the above-mentioned criteria, the District does not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

E. CONFLICT RESOLUTION

(1) ADMINISTRATIVE REVIEWS

Within 20 days of receipt of a complaint from a child's parents or another educational agency, the District's superintendent, or the superintendent's designee, conducts a review, may hold an administrative hearing and notifies all parties of the decision in writing.

- (a) All parties have the right to invite others, including legal counsel, to participate in the review.
- (b) The review is conducted at a time and place convenient to all parties.
- (c) Every effort is made to resolve any disagreements at the administrative review.

(2) MEDIATION

At its discretion, the District participates in the resolution of disputes with other parties through the voluntary mediation processes available through ODE-OEC.

(3) IMPARTIAL DUE PROCESS HEARING/RESOLUTION MEETINGS

Due process complaints filed against the District proceed in the manner set forth in 3301-51-05(K) of the Operating Standards.

The District convenes a resolution meeting before the initiation of a due process hearing. The resolution meeting:

- (a) Occurs within 15 days of the receipt of notice of the parents' due process complaint;
- (b) Includes a representative of the District who has decision-making authority on behalf of the District;
- (c) Does not include the District's attorney unless the parents are accompanied by an attorney;
- (d) Provides an opportunity for the parents to discuss their due process complaint and the facts the complaint is based on; and
- (e) Provides the District an opportunity to resolve the dispute.

The District does not hold a resolution meeting if the parents and the District agree in writing to waive the meeting or agree to use the mediation process. Also, if the District files the due process complaint, it is not required to hold a resolution meeting.

The District, if it is the child's school district of residence, is responsible for conducting the impartial due process hearing utilizing the hearing officer appointed by ODE-OEC. The District follows the procedures required by 3301-51-05(K)(10)–(15) of the Operating Standards when conducting a hearing at a time and place that is reasonably convenient to the parents and the child involved.

If the parents request to inspect and review any education records relating to their child, the District replies without unnecessary delay and makes the records available before the hearing.

The District provides the parents with one copy of the written, or at the option of the parents, an electronic verbatim record of the hearing and findings of fact and decision at no cost. The decision is final except that any party to the hearing may appeal the decision to ODE-OEC.

The District pays for the costs incurred for the hearing except for expert testimony, outside medical evaluations, witness fees, subpoena fees and cost of counsel requested by the other party to the hearing and compensates the hearing officer as provided in 3301-51-05(K)(16)(d) of the Operating Standards. If the hearing was requested by another agency, the District shares the costs of the hearing except for the costs identified in the preceding sentence.

Any further appeals or actions proceed in accordance with 3301-51-05 of the Operating Standards.

F. CHILD'S STATUS DURING DUE PROCESS PROCEEDINGS/CODE OF CONDUCT VIOLATIONS

(1) CHILD'S STATUS DURING DUE PROCESS PROCEEDINGS

The District ensures that a child remains in the current educational placement during the pendency of any administrative or judicial proceeding regarding a due process complaint, unless the state or the District and the parents of the child agree otherwise. If the state level review officer agrees with the child's parents that a change in placement is appropriate, that placement is treated as an agreement between the state and the parents.

If the complaint involves an application for initial admission to the District, the child, with the consent of the parents, is placed in the District until the completion of all proceedings.

If the complaint involves an application for services from a child who is transitioning from Part C to Part B, the District provides those special education and related services that are not in dispute, if the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of special education and related services.

(2) DISCIPLINARY PROCEEDINGS

The District may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the other requirements of 3301-51-05 of the Operating Standards, is appropriate for a child with a disability who violates a code of student conduct.

(a) Changes in placement less than 10 consecutive school days

The District may remove a child with a disability who violates a code of student conduct from the child's current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days (to the extent those alternatives are applied to children without disabilities), and for additional removals of not more

than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement).

The District considers on a case-by-case basis whether a pattern of removals constitutes a change of placement. A change in placement occurs if:

- (1) The removal is for more than 10 consecutive school days, **or**
- (2) The child has been subjected to a series of removals that constitute a pattern:
 - (a) Because the series of removals totals more than 10 school days in a school year;
 - (b) Because the child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and
 - (c) Because of such additional factors as the length of each removal, the total amount of time the child has been removed and the proximity of the removals to one another.

(b) Services during removal from current placement

The District provides services to a child removed from the child's current placement as follows:

- (1) If the child has been removed from the child's current placement for 10 school days or less in the school year, services are provided only to the extent that services are provided to a child without disabilities who is similarly removed;
- (2) After a child with a disability has been removed from the child's current placement for 10 school days in the same year (under circumstances in which the current removal is for not more than 10 consecutive days and is **not** a change in placement), the District provides services, as determined by school personnel in consultation with at least one of the child's teachers, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP;
- (3) If the removal is a change in placement, the child's IEP team determines appropriate services; and
- (4) If a child with a disability is removed from the child's current placement for either more than 10 consecutive days for behavior that is determined **not** to be a manifestation of the child's disability or under circumstances that constitute special circumstances, as defined below, the District ensures that the child:
 - (a) Continues to receive educational services so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
 - (b) Receives, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

(c) Manifestation determination

Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the school district, the parent and relevant members of the child's IEP team (as determined by the parent and the school district) must review all relevant information in the child's file, including the child's IEP, any teacher observations and any relevant information provided by the parents to determine if the conduct

was a manifestation of the child's disability. The District determines that the conduct is a manifestation of the child's disability:

- (1) If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
- (2) If the conduct in question was the direct result of the school district's failure to implement the IEP.

If the District, parents and relevant members of the IEP team determine that the conduct in question was the direct result of the school district's failure to implement the IEP, the District takes immediate steps to remedy those deficiencies.

- (1) If the conduct was a manifestation of the child's disability, the IEP team either:
 - (a) Starts to conduct a functional behavioral assessment within 10 days of the manifestation determination and complete the assessment as soon as practicable, unless the school district had conducted a functional behavioral assessment before the behavior that resulted in the change of placement occurred, and implemented a behavioral intervention plan for the child; **or**
 - (b) If a behavioral intervention plan already has been developed, within 10 days of the manifestation determination, reviews the behavioral intervention plan and the implementation of the plan, and modifies it, as necessary, to address the behavior subject to disciplinary action; **and**
- (2) Returns the child to the placement from which the child was removed, unless the parent and the District agree to a change of placement as part of the modification of the behavioral intervention plan.

(d) Special circumstances.

The District may remove a child to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, if the child:

- (1) Carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function under the jurisdiction of ODE or a school district;
- (2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of ODE or a school district; or
- (3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of ODE or a school district.

The District defines the terms controlled substance, weapon, illegal drug and serious bodily injury in accord with 3301-51-05(K)(20)(h)(i) of the Operating Standards.

On the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the school district must notify the parents of that decision and provide the parents with the procedural safeguards notice described in Section B above.

(e) Expedited Due Process Hearing

The District or the parents may submit a due process complaint requesting an expedited due process hearing to appeal a decision made during disciplinary procedures.

- (1) The District may request an expedited due process hearing if it believes that maintaining the current placement of a child is substantially likely to result in injury to the child or to others.
- (2) The parents may request an expedited due process hearing to appeal decisions regarding placement for disciplinary removals or the manifestation determination.

The District is responsible for conducting the expedited due process hearing utilizing the hearing officer appointed by ODE-OEC. The District follows the procedures that apply for other due process hearings except that the expedited due process hearing must occur within 20 school days after the date the due process complaint is filed and no extensions of time shall be granted. The hearing officer then must make a determination within 10 school days after the hearing. The District follows the expedited timelines and the procedures set forth in 3301-51-05(K)(22)(c)-(d) of the Operating Standards.

G. TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY/STUDENT NOTIFICATION

Once a child reaches the age of majority, the District sends all required notices to both the student and parent, unless the student has been determined incompetent under state law. If a child with a disability is incarcerated in an adult or juvenile correctional institution, prior written notices are provided to both the parents and the student.

One year before the child's 18th birthday, the District notifies both the parents and the child of the parental rights that will transfer to the child upon reaching the age of majority (age 18) and provides the child with a copy of *Whose IDEA Is This?* The District documents this notice on the child's IEP PR-07 form.

Once the child turns 18, the District obtains informed written consent, as required by the Operating Standards, from the student, unless the student has been determined incompetent under state law.

H. SURROGATE PARENTS

The District ensures that the rights of a child are protected when:

- (1) No parent, as defined in 3301-51-01 of the Operating Standards, can be identified;
- (2) The District, after making reasonable efforts, cannot locate a parent;
- (3) The child is a ward of the state; or
- (4) The child is an unaccompanied homeless youth as defined by 3301-51-05(E)(1)(d) of the Operating Standards.

One way in which the District protects the rights of such children is through the assignment of surrogate parents where appropriate. The District has a method for determining when a child needs a surrogate parent and for assigning a surrogate parent to the child, and complies with the requirements of 3301-51-05(E) of the Operating Standards regarding surrogate parents.

V. EVALUATION

The District ensures that initial evaluations are conducted and that reevaluations are completed for children residing within the District. The District uses a referral process to determine whether or not a child is a child with a disability. The District also provides interventions to assist a child who is performing below grade-level standards. The provision of intervention services is not used to unnecessarily delay a child's evaluation for purposes of determining eligibility for special education services.

A. INITIAL EVALUATION

1. TIMING AND INITIATION

The district conducts an evaluation before the initial provision of special education and related services. Either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.

Within 30 days of receipt of a request for an evaluation, the District either obtains parental consent for an initial evaluation or provides to the parents prior written notice stating that the school district does not suspect a disability and will not be conducting an evaluation.

The initial evaluation:

- (a) Is conducted within 60 days of receiving parental consent for the evaluation unless the exception set forth in 3301-51-06(B)(5) of the Operating Standards applies; and
- (b) Consists of procedures:
 - (i) To determine if the child is a child with a disability as defined in 3301-51-01(B)(10) of the Operating Standards; and
 - (ii) To determine the educational needs of the child.

The district obtains parental consent before conducting an evaluation. See Chapter IV, Section C, regarding parental consent requirements.

The evaluation team consists of the IEP team and other qualified professionals.

2. THE EVALUATION PLAN AND EVALUATION TEAM REPORT

As part of the initial evaluation, if appropriate, and as part of any reevaluation, the evaluation team shall develop an evaluation plan that will provide for the following and be summarized in an evaluation team report:

- (a) Review of existing evaluation data on the child, including:
 - (i) Evaluations and information provided by the parents of the child;
 - (ii) Current classroom-based, local or state assessments and classroom-based observations;
 - (iii) Observations by teachers and related services providers;
 - (iv) Data about the child's progress in the general curriculum, or, for the preschool-age child, data pertaining to the child's growth and development;

- (v) Data from previous interventions, including:
 - (a) Interventions required by rule 3301-51-06 of the Operating Standards and
 - (b) For the preschool child, data from early intervention, community, or preschool program providers; and
- (vi) Any relevant trend data beyond the past twelve months, including the review of current and previous IEPs; and
- (b) On the basis of that review and input from the child's parents, identify what additional data, if any, are needed to determine:
 - (i) Whether the child is a child with a disability, as defined in 3301-51-01 of the Operating Standards, and the educational needs of the child;
 - (ii) In the case of a reevaluation of a child, whether the child continues to have such a disability and the educational needs of the child;
 - (iii) The present levels of academic achievement and related developmental needs of the child;
 - (iv) Whether the child needs special education and related services; or
 - (v) In the case of a reevaluation of a child, whether the child continues to need special education and related services; and
 - (vi) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.

The District administers such assessments and other evaluation measures as may be needed to produce the data identified above. The district provides prior written notice to the parents of a child with a disability that describes any evaluation procedures the school district proposes to conduct.

3. CONDUCT OF EVALUATION

In conducting the evaluation, the District:

- (a) Uses a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child, including information provided by the parent, that may assist in determining:
 - (i) Whether the child is a child with a disability as defined in 3301-51-01(B)(10) of the Operating Standards; and
 - (ii) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child to participate in appropriate activities);
- (b) Does not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and
- (c) Uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

The District ensures that:

- (a) Assessments and other evaluation materials used to assess a child:
 - (i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
 - (ii) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information about what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to so provide or administer;
 - (iii) Are used for the purposes for which the assessments or measures are valid and reliable;
 - (iv) Are administered by trained and knowledgeable personnel; and
 - (v) Are administered in accordance with any instructions provided by the producer of the assessments.
- (b) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- (c) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure rather than reflecting the child's impaired sensory, manual or speaking skills (unless those skills are the factors that the test purports to measure);
- (d) A school age child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status and motor abilities;
- (e) Preschool children are assessed in the following developmental areas: adaptive behavior, cognition, communication, hearing, vision, sensory/motor function, social-emotional functioning and behavioral function.
- (f) Assessments of children with disabilities who transfer from one school district to another school district in the same school year are coordinated with the children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with 3301-51-06(B)(5)(b) and (B)(6) of the Operating Standards, to ensure prompt completion of the full evaluations.
- (g) In evaluating each child with a disability under 3301-51-06(E)-(G) of the Operating Standards, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.
- (h) Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.
- (i) Medical consultation shall be encouraged for a preschool or school-age child on a continuing basis, especially when school authorities feel that there has been a change in the child's behavior or educational functioning or when new symptoms are detected; and
- (j) For preschool-age children, as appropriate, the evaluation shall include the following specialized assessments:

- (i) Physical examination completed by a licensed doctor of medicine or doctor of osteopathy in cases where the disability is primarily the result of a congenital or acquired physical disability;
- (ii) Vision examination conducted by an eye care specialist in cases where the disability is primarily the result of a visual impairment; and
- (iii) An audiological examination completed by a certified or licensed audiologist in cases where the disability is primarily the result of a hearing impairment.

B. ELIGIBILITY DETERMINATION AND EVALUATION TEAM REPORT

1. COMPLETION OF THE EVALUATION TEAM REPORT

The following occurs upon completion of the administration of assessments and other evaluation measures:

- (a) The IEP team and other qualified professionals and the parent of the child determines whether the child is a child with a disability, in accordance with the Operating Standards; and
- (b) The District provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

The written evaluation team report shall include:

- (a) A summary of the information obtained during the evaluation process; and
- (b) The names, titles and signatures of each team member, including the parent, and an indication of whether or not they are in agreement with the eligibility determination. Any team member who is not in agreement with the team's determination of disability shall submit a statement of disagreement.

The District provides a copy of the evaluation team report and the documentation of determination of eligibility or continued eligibility to the parents prior to the next IEP meeting and in no case later than 14 days from the date of eligibility determination.

2. DETERMINATION OF ELIGIBILITY

A child is not determined to be a child with a disability:

- (a) If the determinant factor for that determination is:
 - (i) Lack of appropriate instruction in reading, including the essential components of reading instruction as defined in Section 1208(3) of the Elementary and Secondary Act of 1965, as amended and specified in the No Child Left Behind Act of 2002, January 2002, 20 U.S.C. 6301 (ESEA);
 - (ii) Lack of appropriate instruction in math; or
 - (iii) LEP; and
- (b) If the child does not otherwise meet the eligibility criteria under 3301-51-01(B)(10) of the Operating Standards.

The district, in interpreting evaluation data for the purpose of determining if a child is a child with a disability, does the following:

- (a) Draws upon information from a variety of sources, including aptitude and achievement tests, state and district wide assessments, parent input and teacher recommendations, as well as information about the child's physical condition, social or cultural background and adaptive behavior; and
- (b) Ensures that information obtained from all of these sources is documented and carefully considered.

If a determination is made that a child has a disability and needs special education and related services, the District develops an IEP for the child.

C. REEVALUATIONS

The District conducts reevaluations of a child with a disability:

- (a) If the District determines that the child's educational or related services needs, including improved academic achievement and functional performance, warrant a reevaluation; or
- (b) If the child's parent or teacher requests a reevaluation; or
- (c) When a child transitions from pre-school to school-aged services; or
- (d) In order to make a change in disability category.

A reevaluation may not occur more than once a year, unless the parent and the District agree otherwise.

A reevaluation must occur at least once every three years, unless the parent and the District agree that a reevaluation is unnecessary.

The District evaluates a child with a disability before determining that child is no longer a child with a disability, although this evaluation is not required if the child's eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law. If a child's eligibility terminates for one of these reasons, the District provides the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

D. IDENTIFYING CHILDREN WITH SPECIFIC LEARNING DISABILITIES (SLD)

The District has written procedures for the implementation of the evaluation process the District uses to determine the existence of a specific learning disability (SLD). In addition, the District uses the form required by ODE-OEC, Evaluation Team Report PR-06 and completes Part 3: Documentation for Determining the Existence of a Specific Learning Disability of PR-06 when the District suspects the child has a SLD.

(1) DETERMINING THE EXISTENCE OF A SPECIFIC LEARNING DISABILITY

The parents, the IEP team, and a group of qualified professionals from the District determine that a child has a SLD if:

- (a) The child does not achieve adequately for the child's age or to meet state-approved grade-level standards in one or more of the following areas, when the District provides learning experiences and instruction appropriate for the child's age or state-approved grade-level standards:
 - (i) Oral expression;
 - (ii) Listening comprehension;
 - (iii) Written expression;
 - (iv) Basic reading skill;
 - (v) Reading fluency skills;
 - (vi) Reading comprehension;
 - (vii) Mathematics calculation; or
 - (viii) Mathematics problem-solving;

AND

- (b) The child does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the areas identified in number 1, above, when the District uses an evaluation process to determine the child's response to scientific, research-based intervention;

OR

- (c) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development, when the District uses appropriate assessments consistent with 3301-51-06(E) and (F) of the Operating Standards that the group has determined to be relevant to the identification of a SLD.

Alternatively, the District may choose a third method of evaluation, for determining if a child has a SLD. The District seeks prior approval from ODE-OEC if it chooses to use an alternative research-based assessment procedure to determine if a child has a SLD.

(2) USE OF AN EVALUATION PROCESS BASED ON THE CHILD'S RESPONSE TO SCIENTIFIC, RESEARCH-BASED INTERVENTION FOR SLD DETERMINATION

If the District uses an evaluation process based on the child's response to scientific, research-based intervention to determine whether a child has a SLD. The District ensures that this process:

- (a) Begins when the District has gathered and analyzed sufficient data from scientifically-based instruction and targeted and intensive individualized interventions that provide evidence that the child's needs are unlikely to be met without certain specialized instruction, in addition to the regular classroom instruction;
- (b) Employs interventions that are scientifically-based and provided at appropriate levels of intensity, frequency, duration and integrity, relative to the child's identified needs;

- (c) Is based on results of scientifically-based, technically adequate assessment procedures that assess ongoing progress while the child is receiving scientifically-based instruction and the results of these procedures have been reported to the child's parents; and
- (d) Includes the analysis of data described in 3301-51-06(H)(3)(b)(i) and (H)(3)(b)(ii) of the Operating Standards to determine whether a discrepancy is present between the child's actual and expected performance, in both the child's rate of progress in developing skills, and in the child's level of performance on measures assessing one or more of the academic areas listed in 3301-51-06(H)(3)(a)(i) of the Operating Standards

The District will not use this process to delay unnecessarily a child's referral for a comprehensive evaluation to determine eligibility for special education services.

(3) ADDITIONAL REQUIREMENTS FOR SLD DETERMINATION

The District ensures that the following additional requirements are satisfied when determining if a child has a SLD:

Inclusion of additional required group members for SLD determination

The group that determines that a child suspected of having a SLD is a child with a disability includes the child's parents and a group of qualified professionals consisting of, but not limited to:

- (a) In the case of a school-age child, the child's regular teacher (or if the child does not have a regular teacher, the District includes a regular classroom teacher qualified to teach a child of the child's age);
- (b) In the case of children less than school-age, an individual qualified by ODE to teach a child of the child's age; and

At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist or remedial reading teacher.

Observation requirements

The District ensures that the child is observed in the child's learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty. The group of qualified professionals identified by the District conducts the observation by:

- (a) Using information from an observation of the child's performance conducted during routine classroom instruction, including monitoring of the child's performance during instruction, that was done before the child was referred for an evaluation; or
- (b) Having at least one member of the group conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation and parent consent has been obtained.

In the case of a child of less than school-age or a child who is out of school, the District ensures that a group member observes the child in an environment appropriate for a child of that age.

Ensuring the child's underachievement is not due to a lack of appropriate instruction in reading and math

In order to ensure that underachievement in a child suspected of having a SLD is not due to lack of appropriate instruction in reading or math, the District considers:

- (a) Data demonstrating that prior to, or as part of, the referral process, the child received appropriate instruction in regular education settings delivered by qualified personnel; and
- (b) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the child's progress during instruction, the results of which were provided to the child's parents.

Obtaining parental consent to evaluate

The District promptly requests parental consent to evaluate a child to determine if the child needs special education and related services:

- (a) If prior to the referral, the child does not make adequate progress after an appropriate period of time when provided with appropriate instruction. To make this determination, the District considers:
 - (i) Data demonstrating that prior to, or as part of, the referral process, the child received appropriate scientifically-based instruction in regular education settings delivered by qualified personnel; and
 - (ii) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the child's progress during instruction, the results of which were provided to the child's parents; and
- (b) Whenever a child is referred for an evaluation.

Consideration of exclusionary factors

When determining that a child has a SLD, the District ensures that the findings from the evaluation process are not primarily the result of:

- (a) A visual, hearing, or motor disability;
- (b) Mental retardation;
- (c) Emotional disturbance;
- (d) Cultural factors;
- (e) Environmental or economic disadvantage; or
- (f) LEP.

If the District determines that one of these factors is the primary reason for the child's suspected disability, the District does not identify the child as having a SLD.

VI. INDIVIDUALIZED EDUCATION PROGRAMS (IEPs)

The District ensures that an IEP is developed and implemented for each child with a disability, ages 3 through 21, inclusive, who requires special education and related services and who resides in the district. For all children with disabilities for whom our district is the district of residence, the District is responsible for ensuring that the requirements of 3301-51-07 of the Operating Standards are met regardless of which district, county board of MR/DD, or other educational agency implements the child's IEP.

The meeting to develop an IEP is conducted within 30 days of a decision that a child needs special education and related services.

The initial IEP is developed within whichever of the following time periods is the shortest:

- (a) Within 30 calendar days of the determination that the child needs special education and related services;
- (b) Within 90 days of receiving informed parental consent for an evaluation; or
- (c) Within 120 calendar days of receiving a request for an evaluation from a parent or school district (unless the evaluation team has determined it does not suspect a disability).

The District ensures that the parents receive a copy of the child's IEP at no cost to the parents. The parents may receive a copy of the IEP either at the conclusion of the IEP meeting or within 30 calendar days of the date of the IEP meeting.

A. MEMBERS OF THE IEP TEAM

The IEP team includes:

- (1) The child's parents;
- (2) Not less than one of the child's regular education teachers, if the child is or may be participating in the regular education environment;
- (3) Not less than one special education teacher of the child or, where appropriate, not less than one special education provider of the child;
- (4) A representative of the school district who:
 - a) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - b) Knows the general education curriculum; and
 - c) Knows about the availability of resources of the school district.
- (5) Someone who can interpret the instructional implications of the evaluation results, who may be one of the team noted previously;
- (6) At the discretion of the parents or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (7) The child, whenever appropriate. The child must be invited if a purpose of the meeting is the consideration of postsecondary goals for the child and the transition services needed to assist the child in reaching those goals.

A member of the IEP team, other than the parent and the child if appropriate, is not required to attend an IEP team meeting, in whole or in part, if the parent and the district agree, in writing, that the attendance of that member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting or portion of the meeting.

B. PARENTAL PARTICIPATION

The District takes steps to ensure that one or both of the parents of a child with a disability are present at each IEP team meeting or are afforded the opportunity to participate, including:

- (1) Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend; and
- (2) Scheduling the meeting at a mutually-agreed upon time and place.

A Notice to a Parent Regarding an IEP meeting:

- (1) Indicates the purpose, time and location of the meeting and who will be in attendance; and
- (2) Informs the parents of the provisions of the Operating Standards regarding the participation of other individuals who have knowledge or special expertise about the child and the participation of the Part C service coordinator or other representatives of the part C system at the initial IEP team meeting for a child previously served under Part C. See 3301-51-07(J)(2)(a)(ii) of the Operating Standards.

Beginning no later than the first IEP to be in effect when the child turns 14, the Notice also:

- (1) Indicates that a purpose of the meeting will be the development of a statement of the transition needs of the child; and
- (2) Indicates that the District will invite the child.

Beginning no later than the first IEP to be in effect when the child turns 16, the Notice also:

- (1) Indicates that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child;
- (2) Indicates that the school district will invite the child; and
- (3) Identifies any other agency that will be invited to send a representative, if the parents consent.

The District conducts IEP team meetings without a parent in attendance only if it cannot convince parents that they should attend. Before an IEP team meeting is held without a parent, the District makes multiple attempts to contact a parent to arrange a mutually agreed on time and place, and records its attempts to do so.

C. CONTENTS OF AN IEP

The District uses ODE's required form, PR-O7, for its IEPs.

In developing each child's IEP, the IEP team considers:

- (1) The strengths of the child;

- (2) The concerns of the parents for enhancing the education of their child;
- (3) The results of the initial or most recent evaluation of the child;
- (4) The results of the child's performance on any state or district-wide assessment programs, as appropriate; and
- (5) The academic, developmental and functional needs of the child.

Further, the IEP team considers the following special factors:

- (1) In the case of a child whose behavior impedes the child's learning or that of others, the use of positive behavioral interventions and supports, and other strategies, to address that behavior;
- (2) In the case of a child with LEP, the language needs of the child as those needs relate to the child's IEP;
- (3) In the case of a child who is blind or visually impaired, the instruction of that child in accordance with the Operating Standards and section 3323.011 of the Revised Code;
- (4) The communication needs of the child, including those of a child who is deaf or hard of hearing; and
- (5) Whether the child needs assistive technology devices and services.

(1) CONTENTS OF EVERY IEP

The District's IEPs are written, and are developed, reviewed and revised in IEP meetings. The District's IEPs include all of the following:

- (a) A statement that discusses the child's future and documents planning information;
- (b) A statement of the child's present levels of academic and functional performance, including:
 - (1) How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or
 - (2) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
- (c) A statement of measurable annual goals, including academic and functional goals and benchmarks or short-term objectives designed to:
 - (1) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
 - (2) Meet each of the child's other educational needs that result from the child's disability;
- (d) A description of:
 - (1) How the child's progress toward meeting the annual goals described in the IEP will be measured; and
 - (2) When periodic reports on the progress the child is making toward meeting the annual goals will be provided;
- (e) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child:
 - (1) To advance appropriately toward attaining the annual goals;

- (2) To be involved in and make progress in the general education curriculum in accordance with the Operating Standards, and to participate in extracurricular and other nonacademic activities; and
- (3) To be educated and participate with other children with disabilities and nondisabled children, as appropriate, in the activities described in 3301-51-07(H)(1)(e) of the Operating Standards;
- (f) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular classroom and in activities;
- (g) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state and districtwide assessments consistent with Section 612(a)(16) of the IDEA;
- (h) If the IEP team determines that the child must take an alternate assessment instead of a particular regular state or districtwide assessment of student achievement, a statement of why:
 - (1) The child cannot participate in the regular assessment; and
 - (2) The particular alternate assessment selected is appropriate for the child; and
- (i) The projected date for the beginning of the services and modifications described in the IEP and the anticipated frequency, location and duration of those services and modifications.

(2) TRANSITION SERVICES

The District's IEPs address transition services as follows:

- (a) For children age 14 or over (or younger, if determined appropriate by the IEP team), the IEP includes a statement, updated annually, of the transition service needs of the child under the applicable components of the child's IEP that focuses on the child's courses of study (such as participation in advanced-placement courses or a vocational education program.); and
- (b) Beginning not later than the first IEP to be in effect when the child turns 16 (or younger if determined appropriate by the IEP team), the IEP includes:
 - (1) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills; and
 - (2) The transition services (including courses of study) needed to assist the child in reaching those goals.

(3) TRANSFER OF RIGHTS AT AGE OF MAJORITY

Beginning not later than one year before the child reaches 18 years of age, the IEP includes a statement that the child has been informed of the child's rights under Part B of the IDEA that will transfer to the child on reaching the age of majority.

(4) NONACADEMIC SERVICES, PHYSICAL EDUCATION, EXTENDED SCHOOL YEAR AND TRANSPORTATION

If appropriate, the IEP includes the services to be provided in each of these areas.

D. REVIEW AND AMENDMENT OF AN IEP

The District ensures that the IEP team:

- (1) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and
- (2) Revises the IEP, as appropriate, to address:
 - (a) Any lack of expected progress toward the annual goals and in the general education curriculum;
 - (b) The results of any reevaluation;
 - (c) Information about the child provided to, or by, the parents as part of an evaluation or reevaluation;
 - (d) The child's anticipated needs; or
 - (e) Other matters; and
- (3) Reconvenes if an agency, other than the school district, fails to provide the transition services described in the IEP.

Changes to the IEP may be made either at an IEP team meeting, or by a written document amending or modifying the IEP, if the parent of the child and the District agree not to convene an IEP team meeting for the purposes of making those changes. If the IEP is amended by written document, without a meeting of the IEP team, the District ensures that the IEP team is informed of the changes made. When an IEP is amended, the District sends a copy of the amended IEP to the parent within thirty days of the date the IEP was amended.

VII. LEAST RESTRICTIVE ENVIRONMENT (LRE)

The District ensures that, to the maximum extent appropriate, children with disabilities, including children in public or nonpublic institutions or other care facilities, are educated with children who are nondisabled. Placement of students with disabilities in special classes, separate schooling or other removal from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services, modifications and/or accommodations cannot be achieved satisfactorily.

The District ensures that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services in the least restrictive environment (LRE).

The District determines the placement of a child with a disability at least annually, and the placement is based on the child's IEP, and is as close as possible to the child's home.

Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that the child would attend if nondisabled.

In selecting the LRE for a child with a disability, the IEP team considers any potential harmful effect on the child or on the quality of the services that the child needs.

A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

VIII. PARENTALLY PLACED NONPUBLIC SCHOOL CHILDREN

A. CHILD FIND

(1) GENERALLY

The District locates, identifies and evaluates all children with disabilities who are enrolled by their parents in chartered and nonchartered nonpublic schools, including religious elementary and secondary schools located within the District's geographical boundaries.

The District consults with the nonpublic school representatives and representatives of parents of parentally placed nonpublic school children with disabilities regarding the child find process, including:

- (a) How parentally placed nonpublic school children suspected of having a disability can participate equitably; and
- (b) How parent, teachers and nonpublic school officials will be informed of the child find process.

After timely and meaningful consultation with representatives of nonpublic schools, the District carries out child find activities for parentally placed nonpublic school children, including children whose parents live out-of-state. These activities are similar to the child find activities the District conducts for its public school children and ensures an accurate count of children with disabilities. The District completes these activities in a time period comparable to that for children attending its public schools, including completing any evaluations within 60 days of receiving parental consent. See Chapter V, Section A(1).

The District follows all IDEA and FERPA confidentiality requirements when serving children with disabilities attending nonpublic schools located within the District's boundaries and obtains parental consent before releasing any personally identifiable information about a child to officials of the child's district of residence or the nonpublic school in which the child is enrolled.

The District conducts, either directly or through contract, a full and individual initial evaluation of any parentally placed nonpublic school child suspected of having a disability who is enrolled in a nonpublic school within the District's boundaries. The District obtains written parental consent before conducting an initial evaluation.

- (a) If the parents of a parentally placed nonpublic school child do not provide consent or fail to respond to the District's request for consent to evaluate the child, the District may not use mediation or due process procedures to pursue the evaluation. The District does not have to consider this child as eligible for services.
- (b) If the parents do not make clear their intent to keep their child enrolled in the nonpublic school, the District provides the parents of a child who is determined to be eligible for special education services written documentation stating that the child's school district of residence is responsible for making FAPE available to the child.

- (c) The District sends a copy of this documentation to the child's district of residence, provided the District obtains written parental consent to release the information.

The District conducts reevaluations of parentally placed nonpublic school children with disabilities receiving special education and any related services to determine continued eligibility for services. The District conducts reevaluations no more than once a year, unless the parents and the District agree otherwise, and at least once every three years, unless the parents and the district agree that a reevaluation is unnecessary.

(2) AUTISM SCHOLARSHIP PROGRAM PARTICIPANTS

The District assumes responsibility for the initial evaluations and re-evaluations of children who reside in the District and desire to participate in the Autism Scholarship Program. The district where the nonpublic school is located conducts all reevaluations for children with disabilities participating in the Autism Scholarship Program. (See 3301-51-08(R)(1) of the Operating Standards). The District creates the IEP that is required for eligible children who reside within the District to participate in the Autism Scholarship Program.

B. CONSULTATION

The District consults with nonpublic school representatives and representatives of parents who have placed their children with disabilities in nonpublic schools in a timely and meaningful way during the design and development of special education and related services for the children regarding the following:

(1) CHILD FIND

See above requirements.

(2) PROPORTIONATE SHARE OF FUNDS

- (a) The determination of the proportionate share of federal IDEA Part B funds available to serve parentally-placed nonpublic school children with disabilities;
- (b) The determination of how the proportionate share of those funds was calculated; and
- (c) Consideration of the number of children and their needs and location.

“Proportionate share” refers to the amount of federal IDEA Part B funds the District must expend to provide the group of parentally-placed nonpublic school children with disabilities with equitable participation in services funded with federal IDEA Part B funds. The District follows the formula in 3301-51-05(E)(1)–(4) of the Operating Standards to calculate the proportionate amount.

(3) CONSULTATION PROCESS

- (a) How the consultation process will bring together District representatives, nonpublic school officials and representatives of parentally placed nonpublic school children with disabilities;

- (b) How the process will take place throughout the school year to ensure that parentally-placed nonpublic school children with disabilities identified through the child find can meaningfully participate in special education and related services.

(4) PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES

- (a) How, where and by whom special education and related services will be provided;
- (b) The types of services, including direct services and alternate service delivery mechanisms;
- (c) How special education and related services will be apportioned if funds are insufficient to serve all parentally placed nonpublic school children; and
- (d) How and when these decisions will be made.

(5) WRITTEN EXPLANATION BY THE SCHOOL DISTRICT

How the District will provide the nonpublic school officials a written explanation of the reasons why the District chose not to provide services directly or through a contract if the District disagrees with the views of the nonpublic school officials on the provision of services or the types of services.

The District obtains a written affirmation signed by representatives of the participating nonpublic schools that timely and meaningful consultation has occurred. If representatives of the participating nonpublic schools do not provide the affirmation within a reasonable period of time or choose not to participate under the proportionate share provisions of IDEA and engage in consultation, the District documents its consultation attempts and forwards the documentation to the ODE-OEC. If a nonpublic school located within the boundaries of the District chooses not to participate, the parents may contact the District to request services for the child.

C. RIGHTS TO SERVICES

The District is not required to pay for the cost of education, including special education and related services, of a child with a disability, enrolled at a nonpublic school or facility if:

- (1) The child's district of residence made FAPE available to the child; and
- (2) The parents elected to place the child in the nonpublic school.

The District includes these children and their needs in the population being considered when making decisions about services to be provided to parentally placed nonpublic school children with disabilities.

If the parents make clear their intention to keep their child with a disability enrolled in the nonpublic school, the child's district of residence does not need to develop an IEP for the child. If the child with a disability re-enrolls in the District, the District makes FAPE available.

D. EQUITABLE SERVICES DETERMINED

The District makes the final decisions about the services to be provided through a services plan to eligible parentally placed nonpublic school children with disabilities who are attending

nonpublic schools within the District's geographic boundaries. The District makes these decisions after consultation with nonpublic school representatives and parents of parentally placed nonpublic school children and through meetings to develop, review and revise services plans. A child with a disability attending a nonpublic school does not have an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

E. EQUITABLE SERVICES PROVIDED

(1) THE SERVICES PLAN

- (a) The District, whether or not it is the child's school district of residence, convenes the services plan meeting, conference call, or video conference for each eligible child who will receive special education and any related services for children who attend nonpublic schools located within the District's geographical boundaries.
- (b) The District determines required participants at the services meeting.
- (c) The District ensures that a nonpublic school representative participates in the development or revision of the services plan.
- (d) The District conducts a meeting, conference call, or video conference at least annually to review and revise, if appropriate, each child's services plan.
- (e) The District uses the ODE required Services Plan PR-09 form for individually developing a services plan for each participating child that describes the specific special education and related services that the District will provide to the child. Parentally placed nonpublic school children with disabilities may receive a different amount of services than children with disabilities enrolled in the District.

(2) PROVISION AND LOCATION OF SERVICES

- (a) District personnel provide services to parentally placed nonpublic school children who attend nonpublic schools located within the District's geographical boundaries or the District provides services through a contract with an individual, association, agency, organization or other entity.
- (b) The District ensures that special education and related services, including materials and equipment, provided to parentally placed nonpublic school children with disabilities are secular, neutral and non-ideological.
- (c) The District, in consultation with the nonpublic school, will determine where services will be provided. Services may be provided on or off the premises of the nonpublic school. The District may provide services at the nonpublic school with the permission of that school.

(3) TRANSPORTATION

- (a) The District provides transportation to parentally placed nonpublic school children with disabilities who attend nonpublic schools located within the District's geographical boundaries if the services being provided under IDEA are being delivered at a location other than the nonpublic school the child is attending. The District provides transportation:
 - (1) From the child's nonpublic school or the child's home to the site other than the nonpublic school; and

- (2) From the service site to the nonpublic school or to the child's home depending on the timing of the services;
- (b) The District may include the cost of transportation to special education and related services that are being delivered at a location other than the nonpublic school in calculating whether it has met the requirements of spending a proportionate amount of federal funds that it receives to serve children with disabilities; and
- (c) The District provides transportation to all children, with and without disabilities, who reside within the District and who are parentally placed in chartered nonpublic schools following the requirements in ORC 3327.01.

F. DUE PROCESS COMPLAINTS AND COMPLAINTS TO ODE

Due process rights do not apply to the provision of special education and related services the District has agreed to provide through a services plan. However, the parents of a child with a suspected disability, or a child identified as having a disability, who is enrolled in a nonpublic school, have the right to file a due process complaint against the District where the nonpublic school is located regarding that District's failure to meet the child find requirements, including location, identification, evaluation and reevaluation of the child.

If the District receives a due process complaint requesting a due process hearing from the parents of parentally placed nonpublic school child, the District follows the procedures that apply to other due process complaints.

The parents of a child with a disability, who has been unilaterally placed in a nonpublic school, have the right to file a formal written complaint with ODE-OEC regarding a number of different issues, which are listed in 3301-51-08(L)(3) of the Operating Standards.

APPENDIX A

When to Provide

Prior Written Notice, Informed Consent and Procedural Safeguards Notice (*Whose IDEA Is This?*)

Steps in the Special Education Process	Action Required		
	Notification or Informed Consent	Prior Written Notice to Parents PR-01	Whose IDEA Is This?
1. Procedural safeguards must be provided to the parents once a year			X
2. Procedural safeguards must be provided upon request of the parents			X
3. Initial referral for a suspected disability		X	X
4. Initial evaluation	Informed consent (Parent Consent for Evaluation PR-04 form)	X	
5. Eligibility determination		X	
6. IEP meeting	Notification (Parent Invitation to Meeting PR-02 form)	Provide after an IEP, if parents do not agree or do not attend the meeting	
7. Reevaluation with assessments conducted	Informed consent (Parent Consent for Evaluation PR-04 form)	Provide before, and after if parents do not agree or disability category changes	
8. Reevaluation without further assessments conducted	Notification	May use this form to notify before, and provide after, if parents do not agree or disability category changes	
9. No reevaluation conducted		X	
10. Transfers from out of state and out of district	Informed consent (Parent Consent for Evaluation PR-04 form) (If an evaluation is to be conducted)	Provide only after an IEP, if parents do not agree	If moved from out of state
11. Change of placement	Informed consent (IEP PR-07 form)	Provide only after an IEP, if parents do not agree	
12. Change in the type and amount of services		Provide only after an IEP, if parents do not agree	
13. Exit from special education	Notification (Summary of performance if graduating or aging out of special education)	X	
14. District refuses services requested by parents		X	
15. District proposes/refuses to change disability category		X	
16. Releasing personally identifiable information	Informed consent (written consent)		
17. Destruction of personally identifiable information	Notification prior to destruction		
18. Transfer of parental rights	Statement included in IEP PR-07 form		X
19. Upon receipt of the first due process complaint or upon receipt of first state complaint in school year			X
20. Disciplinary change in placement		X	X
21. Revocation of consent		X	

Prior Written Notice, Informed Consent and Procedural Safeguards Notice (*Whose IDEA Is This?*)

1. Procedural safeguards must be provided to the parents once a year.

The school district must give a copy of the **procedural safeguards notice (*Whose IDEA Is This?*)** to the parents at least once a year, except as noted below:

- Upon initial referral or the parents request for evaluation;
- Upon request by the parents;
- Upon receipt of the first due process complaint or state complaint in a school year; and
- Upon a change in placement for disciplinary action.

2. Procedural safeguards must be provided upon request of the parents.

The school district must give a copy of the **procedural safeguards notice (*Whose IDEA Is This?*)** to the parents whenever the parents request.

3. Initial referral for a suspected disability

On the date of the referral, the district must provide the parents with a copy of the **procedural safeguards notice (*Whose IDEA Is This?*)**. For a parental referral, the date of referral is the date that the district received either the verbal or written request from the parents to conduct an evaluation. For a district referral, the date of referral is the date that the screening or review team decided an evaluation should be conducted. See Evaluation – 6.2 Request and Referral for Initial Evaluation.

Within 30 days of the date of initial referral by the parents for a suspected disability, the district must provide the **Prior Written Notice to Parents PR-01** form to the parents if the district does not suspect a disability.

4. Initial evaluation

Within 30 days of the date of initial referral by the parents for a suspected disability, the district must provide the **Prior Written Notice PR-01** form to the parents and receive written, **informed consent (Parent Consent for Evaluation PR-04 form)** from the parents prior to conducting any assessments as part of an initial evaluation. A description of any evaluation procedures the district proposes to conduct must also be provided to the parents. (If the notice relates to an action proposed by the district that also requires parental consent, the district may give notice at the same time it requires parental consent.)

5. Eligibility determination

If the evaluation team determines that a child is not eligible for special education and related services the district will provide the parents the **Prior Written Notice to Parents PR-01** form once this determination is made. If the evaluation team determines that a child is eligible for special education and related services, see Item number 6, IEP Meeting.

6. IEP Meeting

The district must use the required **Parent Invitation PR-02** form to notify and invite the parents to an IEP meeting. Districts must take steps to ensure that one or both parents are present at each IEP meeting or are afforded the opportunity to participate. This requires that the district:

- Notify the parents of the IEP meeting early enough to ensure that they have an opportunity to attend; and
- Schedule the meeting at a mutually agreed upon time and place.

A district must provide the **Prior Written Notice to Parents PR-01** form after an IEP meeting, if the parents do not agree with the IEP or any portion of the IEP or do not attend the meeting.

A district must provide **prior written notice** to the parents and receive **written, informed consent** from the parents before the initial placement of a child in special education. The **IEP PR-07** form serves as prior written notice unless the parents disagree with the IEP. Written informed consent to initiate special education and related services is provided through the parents' signature on the IEP form.

7. Reevaluation with assessments conducted

A district must provide the **Prior Written Notice to Parents PR-01** form and obtain **informed parental consent (Parent Consent for Evaluation PR-05 form)** before conducting any tests or assessments as part of a reevaluation of a child with disabilities, unless the district has provided notice and the parents have failed to respond to reasonable attempts to obtain consent.

The district must provide the **Prior Written Notice to Parents PR-01** form after the reevaluation is completed, if the parents disagree with the reevaluation or the reevaluation results in a change in the child's disability category.

8. Reevaluation without further assessments conducted

If the evaluation team determines that no additional data are needed to determine that the child continues to be a child with a disability and to determine the child's educational needs, the evaluation team must notify the child's parents. The notification that no further assessments are necessary must include:

- The team's determination and the reasons for the determination; and
- The parents' right to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs.

The **Prior Written Notice to Parents PR-01** form may be used for this notification as long as it includes the information listed directly above.

The district must provide the **Prior Written Notice to Parents PR-01** form after the reevaluation is completed, if the parents disagree with the reevaluation or the reevaluation results in a change in the child's disability category.

9. No reevaluation conducted

If the IEP team, including the parents, agrees that a reevaluation of a child is unnecessary, the district must provide the **Prior Written Notice to Parents PR-01** form.

10. Transfers from out of state and out of district

Upon the enrollment of a child with an existing IEP from another district or state, the district must convene the IEP team and determine if the team will accept the existing IEP or change the existing IEP. If the parents disagree with the IEP team on the IEP that will be implemented by the district, the **Prior Written Notice to Parents PR-01** form must be provided to the parents. See IEP – 7.1 General.

Transfers from out of state

If the child moved into the district from another state, the district must provide the parents with a copy of the **procedural safeguards notice (Whose IDEA Is This?)**.

If the district determines that a new evaluation is necessary for a child who transfers from out of state, the evaluation is considered an initial evaluation and the district must provide the **Prior Written Notice to Parents PR-01** form and obtain written parental consent (**Parent Consent for Evaluation PR-05 form**). See Evaluation – 6.2 Request and Referral for Initial Evaluation.

Transfers from out of district

If the child transfers into the district from another district in the state, the district provides the parents with a copy of the **procedural safeguards notice (Whose IDEA Is This?)** if the sending school district had not provided the parents with a copy during the current school year.

If the IEP team refers a child who transfers from another district in the state for additional evaluation, the evaluation is considered to be a reevaluation. The district must provide the **Prior Written Notice to the Parents PR-01** form and obtain written parental consent (**Parent Consent for Evaluation PR-05** form). See Evaluation – 6.5 Reevaluation.

11. Change of placement

The district must provide the **Prior Written Notice to Parents PR-01** form after an IEP meeting, if the parents do not agree with the IEP team's proposed change of placement on the continuum of alternative placement options. The district may not change the child's placement until the parents consent to the proposed change of placement.

12. Change in the type and amount of services

The district must provide the **Prior Written Notice to Parents PR-01** form after an IEP meeting, if the parents do not agree with the changes in the types and amount of services being proposed. The district may then proceed to implement the IEP.

13. Exit from special education

The district must provide the **Prior Written Notice to Parents PR-01** form whenever a child exits special education. In addition, for a child whose eligibility for special education terminates because the child is graduating with a regular diploma or exceeding the age eligibility for special education, the school district must provide the child with a **summary of the child's academic achievement and functional performance**, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

14. District refuses services requested by parents

The district must provide the **Prior Written Notice to Parents PR-01** form to the parents any time the district refuses the request of the parents to provide special education and related services to the child.

15. District proposes/refuses to change disability category

The district must provide the **Prior Written Notice to Parents PR-01** form to the parents any time the district proposes or refuses to change the child's disability category. The ETR and the documentation of eligibility can be considered a prior written notice if all the elements required in a prior written notice are present in the ETR and determination of eligibility.

16. Releasing personally identifiable information

The district must obtain **written parental consent** prior to releasing any personally identifiable information about the child to any person or agency not entitled by law to see it, and to a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

17. Destruction of personally identifiable information

The school district must inform the parents when personally identifiable information collected, maintained and used is no longer needed to provide educational services to the child. The information must be destroyed at the request of the parents. However, a permanent record of a child's name, address, telephone number, grades, attendance record, classes attended, grade level completed and year completed shall be maintained without time limitation. This **notification may be in writing or provided verbally**. If provided verbally, the school district should document this notification in the child's education record.

18. Transfer of parental rights

One year before the child's 18th birthday, the district must notify both the child and the parents of the parental rights, under Part B, that will transfer to the child upon reaching the age of majority. The district also must provide the child with a copy of the **procedural safeguards notice (Whose IDEA Is This?)**. This notification is documented on the child's **IEP PR-07** form.

19. Upon receipt of the first due process complaint or upon receipt of the first state complaint in the school year

The school district must give the parents a copy of the **procedural safeguards notice (Whose IDEA Is This?)** upon receipt of the parents' first due process request. The Ohio Department of Education, Office for Exceptional Children gives the parents a copy of the **procedural safeguards (Whose IDEA Is This?)** upon the parents' filing of the first state complaint within the school year.

20. Disciplinary change in placement

Whenever a change of placement occurs due to disciplinary action, a copy of the **procedural safeguards notice (Whose IDEA Is This?)** and **Prior Written Notice PR-01** form must be provided.

21. Revocation of consent (must be in writing)

The district must provide the **Prior Written Notice to Parents PR-01** form if the parents of a child with a disability revoke consent in writing for the continued provision of all special education and related services. This notice must include:

- A summary of all of the supports and services the child will no longer receive, and any change in educational placement that will occur as a result of the revocation of consent.
- Statements that once the revocation takes effect, the district will not be considered to be in violation of its requirement to make FAPE available, is not required to convene an IEP meeting or develop an IEP, is not required to conduct a three year reevaluation, is not required to offer the child the discipline protections available under IDEA and is not required to amend the child's education records to remove any reference to the child's receipt of special education and related services.
- A statement that by revoking consent for special education and related services for the child, the parent is not waiving the right to request an initial evaluation or to receive services in the future.

PAR EXCELLENCE ACADEMY TEACHER EVALUATION POLICY

The Board of Directors (the “Board”) of Par Excellence Academy (the “School”) believes that ongoing assessment and feedback of a teacher’s performance allows for student growth and academic progress, and therefore adopts the Ohio Teacher Evaluation System (OTES) 2.0 as a standards-based teacher evaluation system. This evaluation system conforms with the framework as approved by the State Board of Education and may assist the Board in teacher promotion and retention decisions.

Definitions

- **OTES** – Ohio Teacher Evaluation System as adopted by the Ohio State Board of Education, the modified 2.0 version, and any version modified by the State Board of Education hereafter.
- **Teacher**- Any licensed instructor who spends at least fifty percent (50%) of their time providing content-related student instruction and who is working under a license, certificate, or permit issued under Revised Code (R.C.) Chapter 3319.
- **Credentialed Evaluator (Evaluator)**- The School administrator, their designee, or another appropriately qualified individual assigned by the Board. To be appropriately qualified, the individual must meet the eligibility requirements under R.C. 3319.111(D), hold a credential established by the Ohio Department of Education (ODE) for teacher evaluation, and has completed a State sponsored evaluation training including a successful score on the credentialing assessment.
- **High-Quality Student Data (HQSD)**- Data determined by the Superintendent to provide evidence of student learning attributable to the teacher who is being evaluated, which may include value-added progress dimensions as well as data obtained from ODE approved assessments.
- **Value-Added**- A measure of student progress at the School based on scores on State-issued standardized assessments.
- **Evaluation Instruments**- Includes any forms developed by ODE, including the “Teacher Performance Evaluation Rubric”, that is used by Credentialed Evaluator when conducting teacher evaluations.
- **Final Evaluation Rating**- Final holistic evaluation rating assigned to a teacher at the conclusion of their entire evaluation.

Substitute teachers will not be subject to evaluations under this Policy. Administrators who do not meet the above definition of Teacher will also not be subject to this Policy.

The Board authorizes the Superintendent or their designee to approve and maintain a list of Credentialed Evaluator(s) as necessary to effectively implement this policy.

Standards-Based Teacher Evaluation

The purpose of these evaluations is to provide meaningful feedback and an effectiveness rating based upon teacher performance, student growth, and other locally determined criteria.

Each evaluation will result in a teacher rating of:

- A. Accomplished;
- B. Skilled;
- C. Developing; or
- D. Ineffective.

The standards and criteria for distinguishing which level will be reported on evaluations is developed by the State Board of Education and any updates provided by the State Board of Education will be acknowledged in regard to these ratings.

Annually, the Board, or their designee, shall file a report to the Ohio Department of Education (ODE) which states the number of teachers receiving a full evaluation as well as their corresponding ratings as set forth above, utilizing ODE guidelines for these reports.

The Board has elected to not evaluate the following individuals: teachers on leave for fifty percent (50%) or more of the school year, a teacher who has submitted a notice of retirement no later than December 1st of the scheduled evaluation, and those teachers participating in Ohio's Resident Educator program during the year in which said teacher takes at least half of the performance-based assessments as prescribed by the State Board of Education for the first time.

Professional Growth Plans and Professional Improvement Plans

Upon receiving the results of their evaluation, each Teacher, unless otherwise excepted from evaluation, must develop either a professional growth plan or be placed on a professional improvement plan based on the following criteria:

A Teacher whose Final Evaluation Rating is:

- A. Accomplished, will develop a professional growth plan and may choose their Evaluator from those available while utilizing components determined by the Board;
- B. Skilled, will develop a professional growth plan collaboratively with their Evaluator and will have input on who their evaluator shall be for the next evaluation cycle while utilizing the components determined by the Board;
- C. Developing, will develop a professional growth plan guided by their assigned Evaluator while utilizing components as determined by the Board; or
- D. Ineffective, will be placed on a professional improvement plan by their assigned Evaluator while utilizing components as determined by the Board.

A Teacher who is either new to the profession or to the School, will develop a professional growth plan collaboratively with their Evaluator while utilizing the components determined by the Board.

The Board maintains, at their discretion, the ability to place a Teacher on an Improvement Plan at any time based on any individual deficiency exhibited in their evaluation.

Assessment of Teacher Performance

Teacher performance will be evaluated during scheduled, formal observations as well as periodic informal observations. These performances will be assessed through a holistic process by Evaluators based upon the Ohio Standards for the Teaching Profession, as provided for and updated by ODE.

Formal Observation(s) and Informal Observation(s)

A Teacher who is not under consideration for renewal/nonrenewal who is subject to a full evaluation shall, each year, be evaluated based on at least two (2) formal observations of at least thirty (30) minutes and periodic informal observations.

The first formal observation will be a holistic observation where the evaluator assesses all areas of the Rubric demonstrated during the observation as well as any information selected by the Evaluator.

The second formal observation will emphasize identified focus area(s) selected after completion of the first formal observation.

- Teachers with a final evaluation rating of Accomplished (from the previous year) will select their own focus area(s).
- Teachers with a final evaluation rating of Skilled (from the previous year), or those new to the profession or School, will select focus area(s) in collaboration with their Evaluator.
- Teachers with a final evaluation rating of Developing (from the previous year) will be guided by their Evaluator in determining this focus area(s).
- Teachers with a final evaluation of Ineffective (from the previous year) will have their focus area(s) selected by their Evaluator.

A Teacher who is either new to the School or is on a limited contract and is under consideration for renewal/nonrenewal shall receive at least three (3) formal observations and at least two (2) informal observations.

A Teacher who has been granted a continuing contract by the Board and has received a rating of Accomplished on their most recent evaluation may be evaluated once every three (3) years. The Teacher must submit a self-directed professional growth plan to the Evaluator who will determine if the Teacher is making progress on this plan. The Teacher will be provided with at least one (1) formal or informal observation, and a post-evaluation conference, for any year the Teacher is not formally evaluated.

A Teacher who has been granted a continuing contract by the Board and has received a rating of Skilled on their most recent evaluation may be evaluated once every two (2) years. The Teacher and Evaluator will jointly develop a professional growth plan and the evaluator will determine if the teacher is making progress on this plan. The Teacher will be provided with at least one (1) formal or informal observation, and a post-evaluation conference, for any year the teacher is not formally evaluated.

All evaluations will utilize measures determined to be appropriate by the Superintendent and shared with the teachers prior to the evaluation (the "Rubric"). The Superintendent may consider measures set forth in the Ohio Teacher Evaluation System "Teacher Performance Evaluation Rubric".

All Teachers who are evaluated under this Policy will be provided with the Self-Assessment Summary Tool as a way for the Teacher to identify areas for growth.

Formal Observation Procedure:

Each formal observation shall not be fewer than thirty (30) minutes in length. The first formal observation, at the Evaluator's discretion, may be preceded by a conference between the Evaluator and the Teacher. The purpose of this conference is to allow the Teacher to explain plans and objectives of the lesson to be observed. The second formal observation will be unannounced.

Each formal observation must have a post-observation conference between Teacher and Evaluator.

Informal Observation Procedure:

An informal observation allows an Evaluator to assess one or more areas identified in the Rubric. These informal observations may be announced and should be of sufficient duration to allow the Evaluator to effectively assess the focus area while not unreasonably disrupting or interrupting the learning environment. Data collected during these informal observations will be used in determining the Final Evaluation Rating. Evaluators will provide feedback based on this informal observation but may do so either in electronic writing (such as email) or through a face-to-face meeting if so requested by the Teacher.

Use of High-Quality Student Data

The Superintendent shall determine at least two (2) measures of HQSD that will be used as evidence of student learning. The Teacher will select HQSD that will be used in consultation with the Evaluator and will provide evidence that demonstrates the Teacher has used such HQSD to inform their instruction. When applicable to the grade level or subject area(s) taught, HQSD may include the Value-Added progress dimension and then one other measure of HQSD.

Annually, the Board, Superintendent or its designee, shall develop a list of approved HQSD that may be used for an evaluation in consultation with members of the School's

teaching staff and employees or consultants hired to provide expertise on student growth and learning.

Final Evaluation Procedure

Evaluators will consider evidence gathered to assign a final holistic evaluation rating, based upon criteria developed by ODE and outlined as above. The Evaluator will submit the final written evaluation using the ODE reporting system, and the Teacher will be provided with a written report of the results of their evaluation during a final conference with the Evaluator. The Teacher will confirm, in writing, receipt of this report.

This Policy aims to improve the quality of instruction, enhance student learning, and to strengthen professional competence. All evaluations may be considered to inform the Board on employment decisions, including the renewal or nonrenewal of teaching contracts. Nothing in this Policy guarantees the right to renewal of a teaching contract and the Board will follow all applicable state laws in utilizing an evaluation report as a factor in employment decisions.

Parental Involvement & Participation

Par Excellence Academy ("PAR") recognizes that family involvement plays a key role in the academic success of students. The term "family" and "families" is used to include parents as well as children's primary caregivers, who are not their biological parents, such as foster parents and caregivers, grandparents, and other family members. PAR shall afford family meaningful opportunities to participate in the education of their children. These opportunities shall be based on the most current research that meets the highest professional and technical standards and shall be geared towards lowering barriers to greater participation by family.

Parent Involvement in the Student's Education

PAR shall seek to create an environment that is accessible to family. PAR shall also provide a meaningful range of opportunities for family to volunteer to be involved with the Par Excellence Academy's activities.

Par Excellence shall also assist family by providing them with training, materials, and information regarding techniques, strategies, and skills to use at home to support the student's academic efforts at school and the student's future as a responsible adult member of society. The School shall strive to create engagement activities that respect the various cultures, languages, practices and customs of the students.

Increasing Communication

This policy shall be designed to build consistent and effective communication between family of students enrolled in the district and the teachers and administrators.

PAR shall provide family with information regarding their child's education, health, and safety. This information shall be communicated regularly and in a clear, open, and understandable manner. Par Excellence strives to promote consistent and effective two-way communication between all students' family, family members and school personnel.

Par Excellence shall also provide families with information on Ohio's academic standards, state and local assessments, and legal requirements so that they can make informed decisions about their children's academic future. These legal requirements include Title I, Section 1118, parent participation rights under IDEA, and gifted students under ORC 3324.04 and 3324.06.

Collaboration with Community Programs

PAR shall collaborate with community-based programs, including health and human service providers, to ensure that the families have the resources they need to be involved in their children's education, growth and development, including such programs as Head Start, Reading First, Early Reading First, Home Instruction Programs for Preschool Youngsters, Parents as

Title I Parental Involvement Policy

As a condition of receipt of Title I funds, Par Excellence Academy shall develop a Parental Involvement Plan (the "Plan") for involving parents of participating children in Title I fund programs and activities.

As used herein, the term "participating children" means all students who are participating in the programs, activities, and services funded by Title I, Part A of the Elementary and Secondary Education Act (ESEA).

Components of the Parental Improvement Plan

- involve the parents of participating students in the development, review, and improvement of Title I programs and activities;
- provide the coordination, technical assistance, and other support necessary to enable PAR to plan and implement effective parental involvement activities;
- coordinate and integrate parental involvement strategies for Title I programs with parental involvement strategies under other federally-funded programs (e.g. Head Start Reading First, Even Start, etc.);
- build Par Excellence's and parents' capacity for strong parental involvement;
- conduct an annual evaluation with parents to evaluate this policy and this policy's effectiveness by (1) identifying barriers prohibiting greater parental involvement, (2) using the evaluation to design strategies to generate more effective parental involvement, and (3) revising PAR's parental involvement policies;
- schedule parent meetings throughout the year in a manner which promotes attendance, such as offering meetings at flexible times and offering childcare, transportation, or other needed assistance;
- offer, if requested, additional opportunities;
- involve parents in the activities of PAR by providing them with timely information about the programs offered pursuant to Title I funds;
- assure that to the extent possible full participation opportunities are provided to parents with limited English proficiency, parents with disabilities, and parents of migratory children;
- assure that, to the extent possible, all reports, notices, and other information given to parents is provided in a language that they can read and in a manner they can understand;

- assist parents in understand such topics as the State's academic content standards, State assessments, and how to monitor a child's progress to improve achievement;
- provide materials and training to parents to work with their children to improve their children's achievement (e.g. literacy training, technology, etc.);
- provide timely responses to parents' questions, concerns, suggestions, etc.;
- educate teachers and other Staff members about the importance of parent involvement, and in how to reach out to, communicate with, and work with parents as equal partners in the implementation and coordination of parent involvement programs; and
- fulfill all other obligations as imposed by applicable laws, regulations, or guidelines.

Although **not** required, the Parental Involvement Policy may also include provisions intended to accomplish the following:

- Involve parents in the training for teachers, principals, and other educators;
- Pay provide and pay the associated reasonable expenses for services provided for the purpose of enabling parents to participate in PAR-related meetings and training sessions;
- Train parents to enhance the involvement of other parents;
- Establish a parent advisory Governing Authority to provide advice on all matters related to parental involvement in programs funded by Title I.
- Develop appropriate roles for community-based organizations and businesses in parent involvement activities.

The Parental Involvement Policy shall be annually reviewed and revised as necessary to eliminate any barriers that may be preventing effective parental involvement. The most current Parental Involvement Policy shall be distributed annually to the parents of participating students and shall be made available to the local community.

School-Parent Compact

Pursuant to the receipt of Title I funds, Par Excellence shall jointly develop, with parents of all participating children, a School-Parent Compact that outlines how Par Excellence staff and participating students and parents will share the responsibility for improved student academic achievement and the means by which PAR and the parents will build and develop a partnership to help children achieve the State's highest standards. Such a Compact shall, at a minimum:

- describe Par Excellence's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the participating students to meet the State's student academic achievement standards,
- describe the ways in which each parent will be responsible for supporting their children's learning, such as monitoring attendance, homework completion, and television watching; volunteering in their child's classroom; and participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and
- address the importance of communication between teachers and parents on an ongoing basis including, but not limited to: 1) annual parent-teacher conferences in elementary schools; 2) frequent reports to parents detailing the student's progress; and 3) reasonable access to staff, opportunities to volunteer and participate in the child's class, and opportunities to observe classroom activities.

The School-Parent Compact, as approved by the Governing Authority, shall be submitted to all parents participating in programs receiving Title I funds.

Federal: 20 U.S.C. 6318.

Cross Reference: Policy 2130, Wellness Policy; Policy 3310, Parental Involvement and Participation; Policy 3330, Parent's Right-to-Know; Policy 3340, Parental Rights under the Protection of Pupil Rights Amendment (PPRA); Form 3320.1, Model School-Parent Compact.

PAR EXCELLENCE ACADEMY

Suspension and Expulsion Policies

Rules of suspension and expulsion follow the due process as mandated by the State of Ohio.

Pursuant to the School's Parent/Student Handbook, misconduct and violations of School rules will subject a student to various levels of discipline depending on the type of offense, the specific circumstances surrounding the offense, and the frequency with which a student exhibits misconduct. The list of offenses attached hereto as Exhibit 1, specifies misconduct which may lead to suspension, expulsion or removal of a student based on the circumstances. To review the complete student code of conduct, please refer to the current Parent/Student Handbook which may be updated from time at the discretion of the School.

OUT-OF-SCHOOL SUSPENSION

Out-of-school suspension is removal of a student from school for a period of one to ten days. While students are suspended from school, they shall be afforded the opportunity to complete all of their classroom assignments. The student will have the opportunity to complete any classroom assignments missed due to the suspension and the student shall receive at least partial credit for such completed assignments as determined from time to time by the School administrator and teaching staff. In no event shall the student receive a failing grade on a completed assignment *solely* on the basis of the student's suspension. During suspension, students are not permitted to participate in extracurricular activities or be on any School property.

The principal, assistant principal or principal designee may suspend a student. Prior to suspending a student, the principal, assistant principal or principal designee must do both of the following:

1. Give written notice of the intention to suspend and the reasons for the intended suspension to the student. If the proposed suspension is based on a violation listed in Ohio Revised Code Section 3313.662(A) and the student is sixteen years of age or older, the notice must contain a statement that the School may seek to permanently exclude the student if the student is convicted of or adjudicated a delinquent child for that violation; and
2. Provide the student an opportunity to appear at an informal hearing before the principal, assistant principal or principal designee and challenge the reasons for the intended suspension or otherwise explain their actions. The hearing can happen immediately and can happen anywhere - the hall, office, classroom, etc.

Within one school day after the time of the student's suspension, the principal, assistant principal or principal designee shall also provide written notice of suspension to the

parent/guardian of the student and the treasurer of the Board of Directors. The notice shall contain:

1. The reasons for the suspension;
2. Notice of the right of the student, or student's parent/guardian/custodian to appeal to the Board of Directors or the Board's designee;
3. Notice that the student/parent/guardian/custodian has the right to be represented in all appeal proceedings;
4. Notice of the right to be granted an appeal hearing before the Board of Directors or the Board's designee to be heard against the suspension;
5. Notice of the right to request that the hearing be held in executive session;
6. Notice that the School may seek the student's permanent exclusion if the suspension was based on a violation listed in Ohio Revised Code Section 3313.662(A) that was committed when the student was sixteen years of age or older and if the student is convicted of or adjudicated a delinquent child for that violation; and
7. The date and manner by a student or parent/guardian/custodian may notify the Board of Directors of their intent to appeal the suspension. If the student or parent/guardian wishes to appeal the suspension, the request must be submitted, in writing, to the principal within five (5) school days of the written notice of suspension. The principal shall immediately forward this written appeal to the Board of Directors and Board of Directors' appeal hearing designee.

If there are fewer than ten school days remaining, the out-of-school suspension may not be applied to the following school year, but the superintendent may require the student to participate in a community service program or other alternative consequences for a number of hours equal to the remaining period of the suspension.

IN-SCHOOL SUSPENSION

If a student is issued an in-school suspension, the student shall serve the in-school suspension in a supervised learning environment. The student shall be permitted to complete any classroom assignments missed because of the suspension and the student will receive at least partial credit for such completed assignments as determined by the School administrator and teaching staff. In no event shall the student receive a failing grade on a completed assignment *solely* on the basis of the student's suspension.

EXPULSION

Except as specifically provided for by statute, the superintendent may expel a student for a period not to exceed the greater of 80 school days or the number of days remaining in the semester or term in which the offense leading to expulsion took place. Students expelled from the School are not permitted to participate in extracurricular activities or be on any School property. Expulsions may extend into the following school year.

Only the superintendent may expel a student. No student shall be expelled unless prior to the expulsion, the superintendent does both of the following:

- (1) Provides the student and parent, guardian or custodian written notice of the intention to expel the student and the reasons for the intended expulsion. The notice shall include the reasons for the intended expulsion, notification of the right of the student, guardian, custodian or their representative to appear before the superintendent or his/her designee to hear and to challenge the reasons for the intended expulsion or otherwise to explain the student's actions, and the notification of the time and place to appear. The time to appear shall not be sooner than three (3) nor later than five (5) school days after the notice has been given unless the superintendent grants an extension of time at the request of the student, his/her guardian, custodian, or representative. If an extension of time is granted, the superintendent shall notify the student and his/her parent, guardian, custodian, or representative of the new time and place to appear. If the proposed expulsion is based on a violation listed in Ohio Revised Code Section 3313.662(A) and the student is sixteen years of age or older, the notice must contain a statement that the superintendent may seek to permanently exclude the student if the student is convicted of or adjudicated a delinquent child for that violation.
- (2) Provide the student and parent, guardian, or custodian an opportunity to appear in person before the superintendent or the superintendent's designee to challenge the reason for the intended expulsion or otherwise to explain the student's actions.

Within one school day after the time of the student's expulsion, the superintendent or principal shall provide written notice of expulsion to the parent/guardian of the student and the treasurer of the Board of Directors. The notice shall contain:

1. The reasons for the expulsion;
2. Notice of the right of the student, or student's parent/guardian/custodian to appeal to the Board of Directors or the Board's designee;
3. Notice that the student/parent/guardian/custodian has the right to be represented in all appeal proceedings;
4. Notice of the right to be granted an appeal hearing before the Board of Directors or the Board's designee to be heard against the expulsion;
5. Notice of the right to request that the hearing be held in executive session;
6. Notice that the School may seek the student's permanent exclusion if the suspension was based on a violation listed in Ohio Revised Code Section 3313.662(A) that was committed when the student was sixteen years of age or older and if the student is convicted of or adjudicated a delinquent child for that violation and that the expulsion may be extended if a juvenile court or criminal proceeding regarding such violation is pending at the time the expulsion terminates; and

7. The date and manner by a student or parent/guardian/custodian may notify the Board of Directors of their intent to appeal the expulsion. If the student or parent/guardian wishes to appeal the expulsion, the request must be submitted, in writing, to the principal within fourteen (14) calendar days of the written notice of expulsion. The principal shall immediately forward this written appeal to the Board of Directors and Board of Directors' appeal hearing designee.

If the superintendent expels a student for more than twenty school days or for any period of time if the expulsion will extend into the following semester or school year the notice shall provide the student and the student's parent, guardian, or custodian with information about services or programs offered by public and private agencies that work toward improving those aspects of the student's attitudes and behavior that contributed to the incident that gave rise to the student's expulsion. The information shall include the names, addresses, and phone numbers of the appropriate public and private agencies.

An expelled student will be provided with a date for re-entry and the date for the re-entry conference. The expelled student, and parent or guardian of the student must be present in the re-entry conference. The student and parent or guardian of any student will be notified in the event that the student fails to attend the re-entry conference.

Expulsion proceedings will be pursued against a student who has committed an act warranting expulsion even if the student has withdrawn from school for any reason after the incident giving rise to the hearing, but before the hearing or decision to expel. If after the hearing, the student would have been expelled for a period of time had the student remained in school, the expulsion will be for the same length of time as on a student who has not withdrawn from school.

WEAPONS EXPULSION

A student must be expelled for one year for:

Bringing a firearm to the School or onto School Property (any Property owned, used, or leased by the School for school, school extra-curricular activities or school related events).

A student may be expelled for a period not to exceed one year for:

1. Bringing a firearm to an interscholastic competition, an extracurricular event, or any other School program or activity that is not located at the School or on School Property.
2. Possessing a firearm at School, on School Property, or at an interscholastic competition, an extracurricular event or any other School program or activity which firearm was initially brought onto the property by another person.
3. Bringing a knife capable of causing serious bodily injury to School, onto School Property, an interscholastic competition, an extracurricular event, or

any other program or activity sponsored by the School or which the School is a participant.

4. Possession of a knife capable of causing serious bodily injury at School, on School Property, or at an interscholastic competition, an extracurricular event, or any other program or activity sponsored by the School or which the School is a participant which knife was initially brought onto the property by another person.
5. Committing an act while at School, on School Property, at an interscholastic competition, an extracurricular event, or any other School program or activity that is a criminal offense when committed by an adult that results in serious physical harm to persons or serious physical harm to property.
6. Making a bomb threat to a school building or to any premises at which a School activity is occurring at the time of the threat.

Firearm has the same meaning as provided pursuant to the "Gun Free Schools Act of 1994". At the time this policy was adopted, the above-referenced statute defined a firearm as any weapon (including a starter's gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; including the frame or receiver of any such weapon; and any firearm muffler or silencer; or any destructive device. If the definition of a firearm as provided by the "Gun Free Schools Act of 1994" changes, then the definition set forth in this policy shall automatically change to conform to it.

Knife is defined as cutting instrument consisting of a sharp blade or edge, not to include scissors, wire cutters, or other similar tools determined by the principal(s) to be necessary in the school setting at a particular building or grade level, if used only for the necessary purpose.

The specific circumstances under which the superintendent may, in his/her discretion, reduce a one year expulsion may include: the student was unaware that he/she brought or was in possession of a firearm or knife; the student legitimately did not understand that the item he/she brought or possessed was a firearm or knife; a recommendation from qualified individuals concerning circumstances that justifiably mitigate the student's culpability.

EMERGENCY REMOVAL

If a student's presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, the student can be removed from school without first satisfying the prior notice and hearing requirements set forth above. Written notice of the hearing and the reason for the removal shall be given to the student as soon as practicable prior to the hearing. The hearing shall be held on the next school day following the day of the student's initial removal. Students are to remain home during

school hours and not attend/participate in School sponsored function(s) pending the hearing.

If a student in grades pre-kindergarten to three poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, the student can be removed from school without first satisfying the prior notice and hearing requirements set forth above. The student may only be removed for the remainder of the school day and will be permitted to return to school and participate in extracurricular activities the following day. In this case, the School may forego the written notice and one-day post- removal hearing requirements.

The School may not initiate suspension or expulsion proceedings against a student in grades pre-kindergarten to grade three who was removed as an emergency removal unless the student has committed an act that could result in a one-year expulsion under the Weapons Expulsion rules, described above, or as necessary to protect the immediate health and safety of the student, the student's fellow classmates, the classroom staff and teachers, or other school employees.

PERMANENT EXCLUSION

A student may be permanently excluded from school if the student is convicted of, or adjudicated a delinquent child for, committing, when the student was sixteen years of age or older, an act that would be a criminal offense if committed by an adult and if the act is any of the following:

- (1) A violation of section 2923.122 of the Revised Code;
- (2) A violation of section 2923.12 of the Revised Code, of a substantially similar municipal ordinance, or of section 2925.03 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district;
- (3) A violation of section 2925.11 of the Revised Code, other than a violation of that section that would be a minor drug possession offense, that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of a city, local, exempted village, or joint vocational school district;
- (4) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former section 2907.12 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district, if the victim at the time of the commission of the act was an employee of that board of education;
- (5) Complicity in any violation described in (1), (2), (3), or (4) above that was alleged to have been committed in the manner described in (1), (2), (3), or (4) above, regardless of whether the act of complicity was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district.

DISABILITIES COMPLIANCE

The School will comply with all laws and regulations presented in the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 and the Individual with Disabilities Education Improvement Act of 2004. Discipline procedures for students having a disability, will follow the procedures outlined in the Individuals with Disabilities Education Improvement Act of 2004 or such successor or replacement law.

SUSPENSION/EXPULSION OF STUDENTS GRADES PRE-KINDERGARTEN THROUGH 3

Restriction on Suspending and Expelling Students in Grades Pre-Kindergarten through 3

The School shall not issue an out-of-school suspension or expulsion to a student in grades pre-kindergarten through three unless the student has committed an act that could result in a one-year expulsion under the Weapons Expulsion rules, described above, or only as necessary to protect the immediate health and safety of the student, the student's fellow classmates, the classroom staff and teachers, or other school employees.

Consultation with a Mental Health Professional

The Principal, whenever possible, shall consult with a mental health professional under contract with the School before an out-of-school suspension or expulsion is issued for a student in grades pre-kindergarten through three. If the events leading up to the suspension or expulsion indicate a need for additional mental health services, the Principal or mental health professional must assist the student's parent or guardian with locating providers or obtaining those services provided such assistance does not cause a financial burden to the School. The assistance might include a referral to an independent mental health professional.

Date Approved: _____

Resolution No.: _____

PAR EXCELLENCE ACADEMY

TRUANCY POLICY

Par Excellence Academy's Board of Directors (the "Board") endeavors to reduce truancy through cooperation with parents, diligence in investigating the causes of absence and use of strict guidelines in regard to tardiness and unexcused absence.

Within one hundred twenty minutes after the beginning of each school day, the attendance officer, their assistant or designee, shall make at least one attempt to contact, the parent, guardian, or other person having care of any student who was absent without legitimate excuse from the school as of the beginning of that school day. An attempt to contact a student's parent, guardian or other person having care of the student shall be made through one of the following methods:

- A telephone call placed in person;
- An automated telephone call via a system that includes verification that each call was actually placed and either the call was answered by its intended recipient or a voice mail message was left relaying the required information;
- A notification sent through the School's automated student information system;
- A text-based communication sent to parent's, guardian's or other person's electronic wireless communication device;
- A notification sent to an electronic mail address of the parent, guardian or other person;
- A visit, in person, to the student's residence of record;
- Any other notification procedure that has been adopted by the Board.

The attendance officer, or assistant, shall investigate possible attendance violations and is authorized under Ohio law to take necessary actions in order to enforce the compulsory education laws, including the ability to serve warrants and enter places where students are employed.

When Par Excellence Academy ("PAR") determines that a student has been truant and that the parent, guardian or other person having care of a child has failed to ensure the child's attendance at school, State law authorizes the Board to require the parent to attend a specified educational program.

This program has been established according to the rules adopted by the State Board of Education for the purpose of encouraging parental involvement in compelling the child's attendance at school.

On the request of the Superintendent, or when it comes to the attention of the school attendance officer or other appropriate officer of PAR, the designated officer must investigate any case of

supposed truancy and must warn the child, if found truant, and the child's parent in writing of the legal consequences of being a "habitual" truant.

The parent is required to have the child attend school immediately after notification. If the parent fails to get the child to attend school, the attendance officer or other appropriate officer, if directed by the Superintendent or the Board, must send notice requiring the child's parent to attend a parental education program.

A "habitual truant" is any child of compulsory school age who is absent without a legitimate excuse for 30 or more consecutive hours, 42 or more hours in one month or 72 or more hours in a school year.

Regarding attendance issues, PAR must take as an intervention strategy any appropriate action contained in the Board policy and meeting requirements further detailed below.

The Board directs the School administration to develop intervention strategies that include any of the following actions as applicable:

1. providing a truancy intervention plan as described below;;
2. providing counseling for truant students;
3. requesting or requiring a parent/guardian to attend parental involvement programs;
4. requesting or requiring a parent/guardian to attend truancy prevention mediation programs;
5. notification to the registrar of motor vehicles; or
6. taking appropriate legal action.

PAR shall not suspend a student solely for being truant.

The attendance officer shall provide notice of "excessive absence" to the parent of a student of compulsory school age who is absent with a nonmedical excuse or without legitimate excuse for 38 or more hours in one school month or 65 or more hours in a school year within seven days after the date of the absence triggering the notice. At the time of notice, PAR may take any appropriate action as outlined in this policy as an intervention strategy and/or may refer the student and their family to community resources to help alleviate the continued absence from PAR.

When a student's absences surpass the threshold for a habitual truant, the principal or the Superintendent assigns the student to an absence intervention team within 10 days of the triggering event. The absence intervention team must be developed within seven school days of the triggering event and is based on the needs of the individual student. The team must include a representative from PAR, a representative from PAR who knows the student and the student's parent or their designee, and also may include a school psychologist, counselor, social worker or representative of an agency designed to assist students and their families in reducing

absences. During the seven days while developing the team, the Superintendent or principal, or their designee, shall make at least three meaningful, good faith attempts to secure participation of the student's parent. If the student's parent is unresponsive PAR shall investigate whether the failure to respond triggers mandatory reporting to the appropriate children's services agency and instructs the absence team to develop the intervention plan without the parent and instruct the absence intervention team to develop an intervention plan notwithstanding the parent's absence. Should a parent respond but is unable to participate, the principal or their designee shall inform the parent of their right to appoint a designee.

Within 14 school days after a student is assigned to a team, the team develops a student specific intervention plan to work to reduce or eliminate further absences. The plan includes, at minimum a statement the attendance officer will file a complaint in juvenile court not later than 61 days after the date the plan is implemented if the student refuses to participate or fails to make satisfactory progress. PAR shall make reasonable efforts to provide the student's parent with written notice of the plan within seven days of development.

The absence intervention plan for a student may include contacting the juvenile court to have a student informally enrolled in an alternative to adjudication. The Board directs the Superintendent to develop written procedures regarding the use of and selection process for offering these alternatives to ensure fairness.

If the student becomes habitually truant within 21 school days prior to the last day of instruction of a school year, the District may either assign a school official to work with the student's parent to develop an intervention plan during the summer and implement the plan no later than seven days prior to the first day of instruction of the next school year, or reconvene the absence intervention process on the first day of instruction of the next school year.

Should PAR have a chronic absenteeism percentage that is less than 5%, as displayed on PAR's most recent local report card, it shall be exempt from the requirement to assign habitually truant students to an absence intervention team for the following school year and shall instead take any appropriate action as an intervention strategy as described above. In the event that the intervention strategies fail, within 61 days after their implementation, the attendance officer shall file a complaint in juvenile court, provided that all conditions described below are met.

The attendance officer shall file a complaint against the student in juvenile court on the 61st day after implementation of the absence intervention plan when:

1. the student's absences have surpassed the threshold for a habitual truant;
2. PAR has made meaningful attempts to re-engage the student through the absence intervention plan, other intervention strategies and any offered alternatives to adjudication; and
3. the student has refused to participate in or failed to make satisfactory progress on the plan or any offered intervention strategies or alternatives to adjudication as determined by the absence intervention team.

If the 61st day after intervention falls on a day during the summer months, PAR, in its discretion, may extend the implementation of the plan and delay the filing of the complaint for an additional 30 days after the first day of instruction of the next school year.

Unless the absence intervention team determines the student has made substantial progress on their absence intervention plan, the attendance officer shall file a complaint against the student in juvenile court if the student is absent without legitimate excuse for 30 or more consecutive hours or 42 or more hours during a school month at any time during the implementation phase of the intervention plan or other intervention strategy.

Any student that without a legitimate excuse fails to attend seventy-two (72) consecutive hours will be automatically withdrawn from the school.

PAR shall track and report relevant truancy information to the Department of Education as required by law.

Approved: _____
Resolution No.: _____

PAR EXCELLENCE ACADEMY

MISSING CHILDREN POLICY

At the time of his or her initial entry to the School, a student, or if the student is a minor, a parent or guardian, shall present to the person in charge of admission any records given by the public or nonpublic elementary or secondary school the pupil most recently attended; a certified copy of an order or decree, or modification of such an order or decree allocating parental rights and responsibilities for the care of the pupil and designating a residential parent and legal custodian of the pupil if that type of order or decree has been issued; and a certification of birth, a comparable certificate or certification issued pursuant to the statutes of another state, territory, possession, or nation, or a document which is acceptable in lieu of a certificate or certification, such as:

- A passport or attested transcript of a passport filed with a registrar of passports at a point of entry of the United States showing the date and place of birth of the child;
- An attested transcript of the certificate of birth;
- An attested transcript of the certificate of baptism or other religious record showing the date and place of birth of the child;
- An attested transcript of a hospital record showing the date and place of birth of the child; or
- A birth affidavit.

Within twenty-four hours of the student's entry into the School, the School shall request the pupil's official records from the public or nonpublic school the pupil claims to have most recently attended. If the school indicates that it has no record of the pupil's attendance or the records are not received within fourteen days of the date of request, or if the pupil does not present certification as outlined above, the School's Administrator or his/her designee shall notify the law enforcement agency having jurisdiction in the area where the pupil resides of this fact and of the possibility that the pupil may be a missing child as defined by Section 2901.30 of the Revised Code.

If a pupil requesting admission to the School has been discharged or released from the custody of the Department of Youth Services under section 5139.51 of the Revised Code just prior to requesting admission to the School, the pupil shall not be admitted until after all required records have been received.

Whenever an order or decree allocating parental rights and responsibilities for the care of a child and designating a residential parent and legal custodian of the child, including a temporary order, is issued resulting from an action of divorce, alimony, annulment, or dissolution of marriage, the residential parent of the child shall notify the School of those allocations and designations by providing a certified copy of the order or decree that made the allocation and designation. Whenever there is a modification of any order or decree allocating parental rights and responsibilities for the care of a child and designating a residential parent and legal custodian of the child that has been submitted to a school, the residential parent shall provide a certified copy of the order or decree that makes the modification to the School's Administrator.

If, at the time of a pupil's initial entry to School, the pupil is under the care of a shelter for victims of domestic violence, the pupil or his parent shall notify the School of that fact. Upon being so informed, the School shall inform the elementary or secondary school from which it requests the pupil's records of that fact.

The primary responsibility for a student's attendance at School rests with his/her parent. A parent must notify the School on the day a student is absent unless previous notification has been given in accordance with school procedure for excused absences. If the parent fails to contact the School prior to a student's absence, the School shall contact the parent within one hundred and twenty (120) minutes after the beginning of the school day.

Whenever the School is notified by a law enforcement agency that a missing child report has been filed regarding a pupil who is currently or was previously enrolled in the school, the School Administrator shall mark that pupil's records in such a manner that whenever a copy of or information regarding the records is requested, any school official responding to the request is alerted to the fact that the records are those of a missing child. Upon any request for a copy of or information regarding a pupil's records that have been so marked, the School Administrator shall report the request to the law enforcement agency that notified the School that the pupil is a missing child. When forwarding a copy of or information from the pupil's records in response to a request, the School Administrator shall do so in such a way that the receiving district or school would be unable to discern that the pupil's records are marked but shall retain the mark in the pupil's records until notified that the pupil is no longer a missing child. Upon notification by a law enforcement agency that a pupil is no longer a missing child, the School Administrator shall remove the mark from the pupil's records in such a way that if the records were forwarded to another district or school, the receiving district or school would be unable to discern that the records were ever marked.

Informational programs for students, parents, and the community members relative to missing children issues and matters are available from the school, including information regarding the fingerprinting program. The school's informational programs are based on assistance and material provided by the Ohio Attorney General's missing child education program.

FOREWORD

Whether you have just joined our staff or have been at Par Excellence Academy (herein referred to as “PAR” or the “School”) for a while, we are confident that you will find our School a dynamic and rewarding place in which to work, and we look forward to a productive and successful association. We consider the staff of PAR to be one of its most valuable resources. This handbook (the “Handbook”) has been written to serve as the guide for the employer/employee relationship and to provide answers to common employee-related questions. This Handbook supersedes any and all previously issued employee handbooks.

This Handbook is designed to provide employees with a general understanding of information and policies that pertain to them and provide general guidelines on work rules, disciplinary procedures, and other issues related to employment within PAR.

It is not the intent of this Handbook to include every conceivable situation regarding policies; it is only meant as a guideline.

If you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you, you should address your specific questions with the Human Resources department.

No handbook can anticipate every circumstance or question that may arise. The procedures, practices, policies, and benefits described here may be modified or discontinued from time to time. We will try to inform you of any changes as they occur. In the event of a contradiction between this Handbook and any representation from an employee’s supervisor, the Handbook shall govern.

Some subjects described in this Handbook are covered in detail in official policy documents. Refer to these documents for specific information because the Handbook only briefly summarizes those guidelines and benefits. Please note that the terms of the written insurance policies are controlling and override any statements made in this or other documents. Similarly, should the Board of Directors (the “Board”) adopt or modify any policy during the school year, the adopted or modified policy shall supersede any differing statements herein.

All employees have a responsibility to familiarize themselves with, and to abide by, the law of the State of Ohio, the policies of the Board, and the administrative regulations designed to implement them.

At-will Employment Status

All employees are employed on an at-will basis. Employment at-will may be terminated or disciplined with or without cause and with or without advance notice at any time by the employee or the School. Nothing in this Handbook shall be interpreted, whether express or implied, to guarantee any continued right of employment or to limit the right to terminate or discipline at-will employment. Only the Board may enter into an agreement for employment on other than at-will terms. For such an agreement to be binding, it must be in writing and signed by both the employee and the Board President.

Categories of Employees

- **Regular, full-time:** Employees who are not in a temporary status and who are regularly scheduled to work the School's full-time schedule of 37.5 hours per week. Generally, these employees are eligible for the full benefits package, subject to the terms, conditions, and limitations of each benefits program.
- **Regular, part-time:** Employees who are not in a temporary status and who are regularly scheduled to work less than the full-time schedule, but at least 20 hours each week. Regular, part-time employees are eligible for some of the benefits offered by the School subject to the terms, conditions, and limitations of each benefits program.
- **Temporary, full-time:** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work the School's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status and must be approved, in writing, by the Board, establishing a new end-date of employment.
- **Temporary, part-time:** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are temporarily scheduled to work less than the School's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status and must be approved, in writing, by the Board, establishing a new end-date of employment.

Temporary workers are not eligible for School benefits unless specifically stated otherwise in School policy or are deemed eligible according to plan documents. For further information about benefits or employee status, contact the Human Resources department.

Immigration Law Compliance

PAR is committed to employing only United States citizens and individuals who are authorized to work in the United States, and PAR does not unlawfully discriminate on the basis of citizenship

or national origin. In compliance with the Immigration Reform and Control Act of 1986, as amended, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with PAR within the past three years, or if their previous I-9 is no longer retained or valid.

Employees may raise questions or complaints about immigration law compliance without fear of reprisal

Equal Employment Opportunity and Nondiscrimination Statement

PAR provides equal employment opportunities (“EEO”) in a nondiscriminatory manner to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, gender identity, national origin, ancestry, citizenship status, age, disability, genetic information, marital status, amnesty, or status as a covered veteran in accordance with applicable federal, state, or local laws. The School is committed to compliance with all applicable laws providing EEO, including those ensuring EEO to qualified individuals with a known disability, and will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability, who is an applicant or employee of the School, unless doing so would result in undue hardship for the School.

Nondiscrimination applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, and transfer, leaves of absence, compensation, and training. If you believe you have been subjected to any form of discrimination related to any term or condition of employment, whether that discrimination occurred with a fellow employee or a third-party that the School conducts business with, you are encouraged to submit a complaint to the School Principal (the “Principal”) which includes the names of individuals involved as well as any potential witnesses. If you need assistance with your complaint, or prefer to provide such complaint in person, contact the Principal. The School will immediately undertake an effective, thorough and objective investigation in an attempt to resolve the situation. The School will conduct the investigation with as much care and consideration as appropriate under the circumstances but cannot guarantee confidentiality throughout the investigation process.

If the School determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense, up to and including termination of employment. No retaliation will be permitted for a good-faithbased complaint and the School will not knowingly permit retaliation from other employees, co-workers, or the School administration.

Unlawful Harassment:

PAR is committed to providing a work environment free of unlawful harassment in all aspects of employment, whether it be at work, a work-related event, or outside of work involving other individuals associated with PAR. Every employee is responsible for creating a harassment-free

work environment. School policy prohibits conduct which would offend, harass, intimidate, ridicule, or insult an individual based on race, religion, color, gender or gender identity, sex, pregnancy, marital status, national origin, disability, age, or genetic information (collectively “Protected Class”). This policy also prohibits unlawful harassment based on the perception that anyone is a member of or is associated with a person who has or is perceived as having any of those Protected Class characteristics. The School’s policy on harassment applies to all persons involved in the operation of the School, including School administration, applicants, independent contractors, vendors, and others.

Sexual harassment constitutes discrimination and is illegal under federal, state, and local laws. For the purposes of this policy, sexual harassment is defined, as unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors. Depending on the circumstances, these behaviors may include such things as, but not be limited to, unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written, or physical conduct that denigrates or shows hostility or aversion toward an individual based on a Protected Class characteristic, or the perception that the individual is a member of or is associated with a person who has or is perceived as having any Protected Class characteristics. that:

- a) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or
- b) has the purpose or effect of unreasonably interfering with an individual's work performance; or
- c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the School premises or circulated in the workplace, on school time, or using school equipment via e-mail, phone (including voice messages), text messages, tweets, blogs, social networking sites, or other means.

Harassment Complaint Procedure

PAR's policy on harassment aims to protect all employees, applicants, or any third-party individual, such as a vendor conducting business with the School, from experiencing unlawful harassment. PAR will not tolerate, conduct, or allow harassment to occur, whether such harassment is engaged in by PAR employees or vendors who conduct business with PAR. PAR strives for a work environment in which all individuals are treated with respect and dignity. All employees have the responsibility of helping to create a harassment-free work environment. PAR encourages the immediate reporting of all incidents of harassment, regardless of who the alleged offender may be.

If the Principal or another member of the School administration is alleged to have been involved in the incident, then the victim of, or witness to, such harassment should immediately report the incident to the Board President or another Board Member. If the Board receives such a complaint, the Board will designate an individual to investigate the matter as further outlined in the Formal Complaint section below.

Informal Complaint:

If you believe you have experienced or witnessed unlawful harassment, you may, in your sole discretion, professionally and promptly notify the offender that such behavior is unwelcome. Should this informal step be impossible or inappropriate due to such things as a disparity in seniority or power, or should the victim or witness to unlawful harassment prefer not to address the alleged offender themselves, the victim or witness to unlawful harassment may skip this informal step and file a complaint requesting a formal investigation into the matter. Additionally, any victim or witness to unlawful harassment who has found this informal step to be ineffective in addressing and/or correcting problematic behaviors may file a formal complaint as outlined below.

Formal Complaint:

Any individual who believes they have experienced, or witnessed, unlawful harassment, and wishes the School to investigate the matter, shall, as soon as possible, notify the Principal of the incident. While PAR prefers to have this complaint in writing, a verbal complaint will also initiate an investigation. The person filing such a complaint will be asked to provide pertinent details of the incident(s), which may include such things as the names of witnesses as well as details of the alleged event. The Principal, or their designee, will immediately undertake an effective, thorough and objective investigation into the allegations of harassment. This investigation may include obtaining witness statements and interviewing those individuals either involved or who may have relevant knowledge. The alleged victim will be interviewed first and be asked to provide any additional names of witnesses who might have additional and pertinent information. Confidentiality will be maintained where possible throughout the investigatory process to the extent practical and appropriate under the circumstances. The School will exercise reasonable care to prevent and promptly correct any known harassing behavior.

If the Principal, or their designee, determines that unlawful harassment has occurred, effective

remedial action will be taken in accordance with the circumstances involved. Any employee determined by the Principal, or their designee, to be responsible for such harassment will be subject to appropriate disciplinary action, up to, and including termination. The Principal, or their designee, will advise all parties immediately concerned with the investigation as to the outcome of the investigation, including steps taken which resulted in the final determination.

The School will not retaliate against any person filing a good-faith based complaint, and furthermore will not tolerate or permit any retaliation by co-workers, School administration, or vendors who conduct business with the School. If an investigation reveals that a complaint of harassment was not bona fide or was not made in good faith, or that the individual provided false information in the complaint or during any investigation, disciplinary action may be taken against said individual. This provision is intended only to apply to complaints made for ulterior motives or providing misleading information in a complaint or during an investigation, not to an individual who cooperated wholly but the complaint was not able to be substantiated.

While PAR encourages the reporting of harassment as outlined above, you should be aware that the Federal Equal Employment Opportunity Commission and the Ohio Civil Rights Commission also investigate and prosecute complaints of prohibited harassment in the workplace. You may, in your sole discretion, file a complaint with the appropriate agency by following directions that are provided on those agencies' respective websites.

Bullying Conduct:

PAR considers the following behavior as examples of bullying and prohibited:

- **Verbal bullying:** Slandering, ridiculing, or maligning a person or his/her family; persistent name calling that is hurtful, insulting, or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault, or threat of physical assault; damage to a person's work area or property.
- **Gesture bullying:** Nonverbal threatening gestures or glances that convey threatening messages.
- **Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.
- **Cyberbullying:** the use of electronic communication to bully a person, typically by sending messages of an intimidating or threatening nature.

Should an employee feel that they are a victim of work-place bullying behavior, they should, as soon as possible, report to the Principal, or designee, in the same fashion as outlined above in the Harassment Complaint Procedure.

Violence in the Workplace:

All employees, students, families, volunteers, visitors, vendors, and business associates must be treated with courtesy and respect at all times. Employees are expected to refrain from conduct that may be dangerous to others.

Conduct that threatens, intimidates, or coerces another employee, customer, vendor, or business associate will not be tolerated. PAR resources may not be used to threaten, stalk, or harass anyone at the workplace or outside the workplace. PAR treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence, and suspicious individuals or activities should be reported as soon as possible to the A Principal. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees should promptly inform the A Principal of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. PAR will not retaliate against employees making good-faith reports. PAR is committed to supporting victims of intimate partner violence by providing referrals to community resources and providing time off for reasons related to intimate partner violence.

PAR will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence, and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. PAR will not retaliate against employees making good-faith reports of violence, threats, suspicious individuals or activities. In order to maintain workplace safety and the integrity of its investigation, PAR may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action, up to and including termination.

Criminal Record Check

The Board will request from the Superintendent of the Bureau of Criminal Identification and Investigation (BCII) criminal records checks of all candidates under final consideration for employment or appointment in the school. The BCII criminal records checks may include information from the Federal Bureau of Investigation .

The Board may employ persons on the condition that the candidate submits to and pass a BCII criminal records check in accordance with State law. Any person conditionally hired who fails to pass a BCII criminal records check shall be immediately released from employment. The Board will comply with any and all State or federal requirements pertaining to a criminal records check, including providing any notice or additional document as may be required.

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

State law requires subsequent criminal records checks every five years for all school employees.

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

Personnel Records

You have a right to inspect certain documents contained in your personnel file, as provided by law, in the presence of a School representative at a mutually convenient time. Requests to view your personnel file must be directed to the Principal, or their designee. If you wish to have any changes or explanations made to your personnel file, you must notify the Principal or their designee. The School shall, within ninety days, make a reasonable investigation into whether the information has been verified or needs to be deleted as inaccurate. If the employee disagrees with the findings, they may include a brief statement as to their position on the disputed information to be kept within the personnel file. Only the Principal, or their designee, is authorized to release information about a current or former employee in accordance with applicable State laws.

Public Records Policy

It is the Board's policy that openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the Board's policy to adhere to the State of Ohio's Public Records Act as it applies to community schools.

All requests for a public record will be evaluated and produced in accordance with the Public Records Policy, available in the School office. Only those employees designated to fulfill a public records request may do so. For more information on this policy, contact the Principal.

Separation of Employment

Separation of employment with PAR can occur for several different reasons:

- **Resignation:** Although we hope your employment with us will be a mutually rewarding experience, we understand that varying circumstances cause employees to voluntarily resign employment. Resigning employees are encouraged to provide two weeks' notice, preferably in writing, to facilitate a smooth transition with the School and its students. If an employee provides less notice than requested, PAR may deem the individual to be

ineligible for rehire depending on the circumstances regarding the notice given. A community school teacher may not terminate their contract after July 10th of any school year (or during the school year) without consent from the Board. Upon an improper termination by the teacher, the Board may file a complaint with ODE. Any teacher who terminates their contract otherwise may have their license suspended for a year.

- **Retirement:** Employees who wish to retire are required to notify the Principal, Human Resources department, and the Treasurer's Office in writing at least one (1) month before the planned retirement date.
- **Job Abandonment:** Employees who fail to report to work or contact the School for three (3) consecutive workdays shall be considered to have abandoned the job without notice, effective at the end of their normal shift on the third day. Employees who are separated due to job abandonment will not be paid out for unused PTO and are ineligible for rehire. Job abandonment shall be considered a voluntary resignation on behalf of the employee, and therefore, ineligible for unemployment benefits.
- **Termination:** Employees of PAR are employed on an at-will basis, and the School retains the right to terminate an employee at any time.

Return of School Property:

The separating employee must return all School property at the time of separation, including, but not limited to cell phones, keys, all computers and accessories, and identification cards. Failure to return items may result in deductions from the final paycheck.

Upon separation, any accrued but unused vacation, sick leave, and/or personal days will be forfeited.

Rehire:

Former employees who left PAR in good standing and were classified as eligible for rehire may be considered for reemployment. A new and updated application must be submitted to the School, and the applicant must meet all minimum qualifications and requirements of the position, including all relevant screenings, certifications, and licensures.

Rehired employees fall under the same benefits eligibility criteria as any other new employee.

Off-duty Conduct

Certain types of off-duty conduct may interfere with the School's legitimate business interests and may even result in a conflict of interest that is prohibited by law. Employees who wish to engage in additional employment outside of work with PAR, that may create a real or apparent conflict of interest for the School, must submit to the Principal a written request identifying this off-duty opportunity and agree that such an activity will not interfere with the employee's role at PAR. Additionally, PAR will not provide workers' compensation coverage, or any other potential

benefit, for injuries occurring from or arising out of off-duty employment. Illegal or immoral off-duty conduct and employment, as determined by the Principal or their designee, that adversely affects the employee's performance or the School's legitimate business interests may result in disciplinary action, up to and including termination.

Conflicts of interest may arise in the following circumstances, this is not meant to be an all exclusive list:

- Being employed by, or acting as a consultant to, a supplier or contractor, regardless of the nature of the employment, while employed with PAR.
- Hiring or supervising family members or closely related persons.
- Serving as a board member for an outside commercial school or similar organization.
- Owning or having a substantial interest in a competitor, supplier, or contractor.
- Accepting gifts, discounts, favors, or services from a supplier, unless equally available to all school employees.

Employees should seek advice from the Principal or Human Resources department before engaging in any activity, transaction, or relationship that may potentially give rise to a conflict of interest or could potentially interfere with the School's legitimate business interests or the employee's ability to perform their job duties .

Furthermore, no employee may accept any gift from an outside party, student, parent, School vendor, or business associate that is of such nature that it could affect their impartiality with regard to decisions or actions affecting the School operations.

Nepotism and Relationships in the Workplace

PAR wants to ensure that personnel practices do not create situations such as conflicts of interest or favoritism. This extends to practices that involve employee hiring, promotion, and transfer. Close relatives, partners, those in a dating relationship, or members of the same household are not permitted to be in positions that have a reporting responsibility to each other. Close relatives are defined as husband, wife, domestic partner, father, mother, father-in-law, mother-in law, grandfather, grandmother, son, son-in-law, daughter, daughter-in law, uncle, aunt, nephew, niece, brother, sister, brother-in-law, sister-in-law, step relatives, cousins, and domestic partner relatives.

If employees begin a dating relationship, become relatives, partners, or members of the same household and if one party is in a supervisory position, that person is required to inform the Principal and Human Resources of the relationship.

PAR reserves the right to apply this policy to situations where there is a conflict or the potential for conflict because of the relationship between employees, even if there is no direct-reporting relationship or authority involved.

Tobacco-Free Workplace

It is the policy of PAR to prohibit tobacco on all School premises in order to provide and maintain a safe and healthy work environment for all employees. There should be no tobacco, tobacco products, E-cigarettes, vaporizers or similar devices used in or on School premises.

The smoke-free workplace policy applies to:

- All areas of the School building.
- All School-sponsored off-site events as well as those events held on-site after work hours..
- All vehicles owned or leased by the School.

Prohibited Conduct related to Prescription Drugs and/or Controlled Substances

Should an employee require the use of prescription medication during work hours, they should first contact the Principal. The legal use of prescription drugs is permitted, unless, in the opinion of a health care provider, it would impair or otherwise adversely affect the employee's ability to perform their job duties safely and effectively. The Principal may require documentation from the employee's health care provider that the employee may effectively perform their job requirements. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist and be prepared to produce it if asked by School administration. Should an employee or applicant require reasonable accommodations due to effects related to prescription drugs, they must notify the Principal, or their designee, and the School will make any necessary accommodation, unless doing so would impose an undue hardship for PAR.

No employee may use, possess, distribute, manufacture, sell, or be under the influence of alcohol or controlled substances while on School premises, while conducting School-related activities off of School premises, or while in vehicles owned or leased by PAR. Controlled substances include illegal drugs as well as prescription drugs for which an individual does not have a valid prescription, or abusive use of prescription drug.

Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution as well as disciplinary action which may include termination of employment.

Drug and Alcohol Testing:

The School retains the right to require the following tests:

- **Pre-employment:** All applicants must pass a drug test before beginning work. Refusal to submit to screening will result in disqualification of further employment consideration.
- **Reasonable suspicion:** Employees are subject to testing based on observations by the Principal of apparent workplace use, possession, or impairment. The Principal

and Human Resources must agree that a good-faith basis exists to suspect a violation of this policy before sending an employee for a reasonable suspicion testing. Good-faith basis may include, but is not limited to, such observations as: unsteady or abnormal movements, odors signifying drug or alcohol use, physical symptoms such as red or hazy eyes or a confused look, and other actions or inactions of the employee that is inconsistent with their typical behaviors.

- **Post-accident:** Employees are subject to testing when they cause or contribute to accidents that seriously damage a school vehicle, machinery, equipment, or property, and/or result in an injury to themselves or another employee requiring off-site medical attention. In any of these instances, the investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner.
- **Consequences:** Applicants who refuse to cooperate in a drug test or who test positive will not be hired. Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, dispense, or are under the influence of alcohol or an illegal drug in violation of this policy will receive disciplinary actions, up to and including termination of employment. The School is not obligated to continue to employ any person whose performance of essential job duties is impaired because of drug or alcohol use, and the School may issue discipline on a case-by-case basis taking into considerations all pertinent facts.

REASONABLE ACCOMMODATION OF RELIGIOUS BELIEFS

PAR recognizes the importance of individually held religious beliefs to persons within its workforce. PAR will reasonably accommodate a staff member's religious beliefs in terms of workplace attire, unless the accommodation creates an undue hardship. Accommodation of religious beliefs in terms of attire may be difficult in light of safety issues for staff members and students. Those requesting a workplace attire accommodation based on religious beliefs should be referred to Human Resources.

ADDRESSING WORKPLACE ATTIRE AND HYGIENE PROBLEMS

Violations can range from inappropriate clothing items to offensive perfumes and body odor. If a staff member comes to work in inappropriate dress, the staff member will be required to go home, change into conforming attire or properly groom, and return to work.

If a staff member's poor hygiene or use of too much perfume/cologne is an issue, School administration should discuss the problem with the staff member in private and should point out the specific areas to be corrected. If the problem persists, School administration will follow the normal corrective action process for staff members.

JEWELRY AND TATOOS

PAR permits employees to wear jewelry or to display tattoos at the workplace within the following guidelines. Factors that School administration will consider in determining whether jewelry or tattoos may pose a conflict with the employee's job or work environment

include:

- Personal safety of self or others, or damage to company property
- Productivity or performance expectations
- Offensiveness to co-workers, parents, students, board members, or others in the workplace based on racial, sexual, religious, ethnic, or other characteristics or attributes of a sensitive or legally protected nature
- Corporate or societal norms
- Complaints

If School administration determines an employee's jewelry or tattoos may present such a conflict, the employee will be encouraged to identify appropriate options, such as removal of excess or offensive jewelry, covering of tattoos, transfer to an alternative position, or other reasonable means to resolve the conflict.

An environment of mutual cooperation, respect, and fair and consistent treatment for all employees is PAR's goal. Nonetheless, the School is legally responsible for ensuring that no employees are subject to harassment or a hostile work environment. As an initial step toward resolution of any complaint or offense under this policy, supervisors will be responsible for explaining the policy and answering employee questions. If an agreeable solution cannot be reached at that stage, Human Resources will follow company procedures to resolve the issue.

APPROPRIATE	INAPPROPRIATE
<ul style="list-style-type: none">• Tattoos that do not cover an entire body part• Ear piercings: helix, conch, orbital, tragus, lobe, or auricle• Nose piercings: nostril or high nostril	<ul style="list-style-type: none">• Gaged ears• Ear piercings: forward helix, industrial, snug, rook, anti-tragus, transverse lobe, daith, or dermal• Nose piercings: septum, bridge, vertical tip/rhino, septril, or nasallang• Eyebrow piercings of any kind

Confidentiality

School employees are expected to keep student information confidential as required by federal and State law, including the Family Educational Rights and Privacy Act and the Individuals with Disabilities Education Improvement Act.. 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 and are only to be released pursuant to Board approved policies.

If an employee questions whether certain information is considered confidential, he/she should first check with the Principal. No student information is to be released without prior approval of the Principal, or their designee.

Any and all inquiries from the media must be referred to the Principal and only employees designated by the Principal, or their designee, may comment to any media request about information on School policy or events relevant to the School.

Solicitations, Distributions, and Posting of Materials

PAR prohibits the solicitation, distribution and posting of materials on or at School property by any employee or non-employee, except as may be permitted by this policy. The sole exceptions to this policy are fundraising, charitable, and community activities approved by the Principal or their designee, and School-sponsored programs related to PAR.

Provisions:

- Non-employees may not solicit employees or distribute literature of any kind on School premises at any time.
- Employees may only admit non-employees to work areas with prior written approval from the Principal, or as part of an approved School-sponsored program. These visits should not disrupt workflow or the educational environment. An employee must always escort the non-employee. Former employees are not permitted on School property except for official School business with prior arrangements.
- Employees may not solicit other employees during work times, except in connection with a School-approved or sponsored event.
- Employees may not distribute literature of any kind during work times or in any work area at any time, except in connection with a School-sponsored event.
- The posting of materials or electronic announcements are permitted with prior written approval from the Principal.

Violations of this policy should be reported to the Principal.

Use of Electronic Media:

Employees are expected to abide by generally accepted rules of network (“Network”) etiquette. Network is to include, but not be limited to, computers, e-mail, software, databases, wi-fi connections, hardware, digital files, and other forms of electronic communication and services and the soft- and hardware necessary to facilitate such services. The Network remains School property and is to be used only for School business and all usage must abide to requirements outlined in policies related to appropriate internet, Network, or device usage. Contact the School Principal, or their designee, for all such policies.

Rules of Network usage include, but are not limited to, the following:

- Users cannot create or transmit harassing, threatening, abusive, defamatory, or vulgar messages or materials.
- Illegal activities are strictly forbidden.
- Never reveal your personal address, phone number, credit card number, or those of other students or colleagues via Internet computer resources.
- Do not post names with personal pictures on the Internet. Information that has been posted on the Internet is likely posted and archived forever by Internet archiving sites such as www.archive.org.
- Unless you are registering for a service directly related to your coursework and have prior approval from the Principal, or their designee, do not register for anything on the World Wide Web, which involves filling out a form on the school network.
- School computers are used by multiple users throughout the day. Leave the computer in as good as or better shape than you found it.
- Do not use the network in such a way that you would disrupt the use of the network by other users.

Guarantee of Service:

PAR makes no warranties of any kind for the service it is providing. PAR will not be responsible for any damages you suffer. This includes loss of data resulting from delays, non-deliveries, erroneous deliveries, or service interruptions caused by negligence, errors, or omissions. Use of any information obtained via School Network is at your own risk. PAR specifically denies any responsibility for the accuracy or quality of information obtained through its services.

Personal Technology Devices:

Any personal technology device, whether used on or off the School Network, which are brought into School facilities must be used in accordance with the Computer and Technology Acceptable Use Policy and may only be used to support the educational process. These devices may only be used for work that directly corresponds to schoolwork during school hours. Additionally, each employee assumes any risk of damage, theft, or loss of their personal technology device by bringing it into work. The School assumes no responsibility or liability for any damage that might occur to an employee's personal device.

Social Networking Websites

The School understands that social media tools offer the opportunity to gather in online communities of shared interest and to create, share, or consume content. Under this policy, social media includes, but is not limited to such inter-connected sites such as Facebook, Instagram, Twitter, Snapchat, blogs, discussion boards, and other website(s) or mobile app(s) which allow users to publish or review user-generated content.

Accessing social media tools for personal use during working hours is strictly prohibited.

Any inappropriate use of social media, as determined in the sole discretion of the Principal, or their designee, may result in disciplinary action up to and including termination.

Employees who have a presence on social networking web sites are prohibited from posting data, documents, photographs, or inappropriate information on any web site that might result in a disruption of classroom activity. The Principal, or their designee, has full discretion in determining when a disruption of classroom activity has occurred.

Additionally, only those employees designated by the Principal, or their designee, may post on social media on behalf of the School may represent or imply that said post is from the School.

PAR reminds all employees that they are representatives of the School and that they should conduct themselves in a professional manner while utilizing social media, are not to communicate or connect with current students on social media websites or apps, and should make clear that any post that may relate to the School, or the activities of the School, is not to be implied as reflecting the views of PAR and is the employee's own statement/view.

Attendance and Punctuality

It is very important that every staff member is at School every day possible. Whether due to illness, personal, or professional day, if an employee is unable to attend school, they must request a substitute AS SOON AS POSSIBLE. With the critical shortage of substitutes, it is very important that all staff members handle absences responsibly.

Vacation and holidays other than those included on the School calendar must be scheduled with one's supervisor in advance. Paid leave may be used in the case of emergency or sudden illness without prior scheduling. Patterns of absenteeism or tardiness may result in disciplinary action, even if the employee has not yet exhausted available paid time off.

Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. **A no call/no show lasting three days may be considered job abandonment and may be deemed an employee's voluntary resignation of employment.**

In the event of an unanticipated absence, late arrival or early departure, all staff must call (do not text) the Principal as soon as possible, but not later than one (1) hour before the start of the work shift, so substitute and staffing arrangements can be made. Failure to abide by the above guidelines may result in disciplinary action.

Tardiness is defined as reporting to work late at the beginning of the work shift, leaving early for or returning late from a lunch break, or leaving work early at the end of the workday, all without approval. Tardiness will result in unauthorized leave without pay, unless leave with pay is approved by the supervisor for extenuating circumstances. Excessive tardiness will result in appropriate disciplinary action.

Paid Time Off

Paid time off (Paid Time Off) accrual levels are split into three categories: Certified, Classified, and Administration. Categories are determined by position.

Certified employees include personnel who only work 9 to 11 -month schedules during the school year. Certified employees are eligible to receive Paid Time Off for Personal Days and Sick Days.

Classified employees include personnel who work the full, 12-month schedule. Classified employees are eligible for Paid Time Off to receive Personal Days, Sick Days, and Vacation Days.

Administrative employees include personnel who work the full, 12-month schedule. Administration employees are eligible to receive Paid Time Off for Personal Days, Sick Days, and Vacation Days. Three (3) personal days and sick leave accrued per month, 1.25 days.

Part-Time employees are not eligible to receive Paid Time Off.

All Paid Time Off must be taken in half-day (4 hour) or full-day (8 hour) increments. Paid Time Off under a half-day (4 hours) may be arranged, if necessary, with advance written approval from the Principal, or their designee, however it may be recorded as unpaid leave.

Sick Leave:

All regular, **full-time** employees (Certified, Classified, and Administrative) accrue sick leave from the date of hire, up to a total of fifteen (15) days per year.

Beginning August 1, 2019, the accumulation of sick leave per month (1.25 days) will occur on the last day of each month.

Sick leave may be used for an employee's personal illness, wellness, and medical appointments. Sick leave may also be used for illness, wellness, and medical appointments of an employee's immediate family member.

Sick leave may be rolled over to a maximum of 120 days. Sick leave may not be used before it is accrued. If sick leave is exhausted, any available vacation hours will be used in its place. An employee who has a sick leave absence more than three (3) consecutive working days must present medical documentation for the absence. Employees are not paid for unused sick leave upon termination of employment.

Vacation:

All **full-time** Classified/Administrative employees are eligible for vacation leave benefits. Vacation accrual begins on the first day of the month following a year (12 months) of continued employment with PAR. Effective August 1, 2019, 12-month employees will not accrue vacation until after their first 12-months of employment.

Vacation is accrued according to the schedule in this policy. Unused vacation days will roll over from one year to the next, up to a maximum of 120 days. Vacation can be used only after it is earned and will not be earned during an unpaid leave of absence.

Please contact the Principal, or their designee, for more information on request procedures.

If the employee fails to return to work on the scheduled return date or otherwise notify the Principal of Human Resources, the employee will be considered to have voluntarily resigned from his or her employment. Extensions of leave will only be considered on a case-by-case basis.

Bereavement Leave:

An employee who wishes to take time off due to the death of an immediate family member should notify his or her supervisor immediately.

Bereavement leave will be granted unless there are unusual business needs or staffing requirements.

Paid bereavement leave is granted according to the following schedule:

- Employees are allowed up to five (5) days of paid leave in the event of the death of the employee's spouse, child, father, father-in-law, mother, mother-in-law, brother, sister, stepfather, stepmother, stepbrother, stepsister, stepson, or stepdaughter.
- Employees are allowed up to three (3) days of paid leave in the event of death of the employee's brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt, uncle, grandparent, grandchild, or spouse's grandparent.
- Employees are allowed up to four (4) hours of bereavement leave to attend the funeral of an employee or retiree of the school.

Military Leave of Absence:

Employees taking part in a variety of military duties are eligible for benefits under this policy. Such military duties include leaves of absence taken by members of the uniformed services, including Reservists and National Guard members, for training, periods of active military service and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five years of leave of absence.

Employees requesting leave for military duty should contact the Principal to request leave as soon as they are aware of the need for leave to request forms and further information on their rights under such leave.

Overtime Pay

All salaried employees may be exempt from over-time pay based upon their job description or pay rate. Non-salaried employees will be paid time-and-a-half for all hours worked more than 40 hours in a defined workweek.

Paid Time Off, such as holidays, personal, sick, or vacation pay, does not apply toward work time.

The workweek begins at 12:00 a.m. on Sunday morning and ends at 11:59 p.m. on Saturday night.

Employees are required to obtain written approval from the Principal prior to the use of overtime. Employees who anticipate the need for overtime to complete the week's work must notify the Principal in advance and obtain approval before working hours that extend beyond their normal schedule. Any employee who documents overtime work without prior written approval will be paid for hours worked, however, continuing to request pay for unapproved overtime work may result in disciplinary action, up to and including termination.

Employee Reimbursements

Employees may be reimbursed for reasonable expenses incurred in connection with approved travel or purchases on behalf of the School.

Employees seeking reimbursement should use good judgement and incur the lowest reasonable expenses. All costs associated should be discussed and approved in advance by the employee's supervisor or the Principal, and reimbursement may not be provided for costs accrued without prior approval of the Principal.

Contact the Principal for guidelines as to pre- and post- requirements to receive reimbursement for costs associated to travel or purchases made on behalf of the School.

Disciplinary Procedure

Disciplinary action may be taken by School administration at such times and in such a manner as is deemed necessary and appropriate. The following are examples of PAR's progressive discipline process. These steps may not be followed in each and every situation depending on the specific circumstances. Nothing in this policy provides any contractual rights regarding employee discipline or counseling, nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between PAR and its employees.

Step 1: Counseling and verbal warning

Step 1 creates an opportunity for the immediate supervisor to schedule a meeting with an employee to bring attention to the existing performance, conduct, or attendance issue. The supervisor should discuss with the employee the nature of the problem or the violation of School's policies and procedures. The supervisor is expected to clearly describe expectations and steps the employee must take to improve performance or resolve the problem.

Within five school days of this meeting, the supervisor will prepare written documentation of a Step 1 meeting. The employee will be asked to sign this document to demonstrate his or her understanding of the issues and the corrective action.

Step 2: Written warning

Although PAR hopes that the employee will promptly correct any performance, conduct, or attendance issues that were identified in Step 1, PAR recognizes that this may not always occur. The Step 2 written warning involves more formal documentation of the performance, conduct, or attendance issues and consequences.

During Step 2, the Principal will meet with the employee to review any additional incidents or information about the performance, conduct, or attendance issues as well as any prior relevant corrective action plans. The Principal will outline the consequences for the employee of his or her continued failure to meet performance or conduct expectations.

At the Principal's sole discretion, the associate may be placed on a Performance Improvement Plan (PIP). The scope and length of the plan will be based on an individual basis and will be discussed extensively with the employee. A PIP requiring the employee's immediate and sustained corrective action will be issued within five (5) school days of a Step 2 meeting. A warning outlining that the employee may be subject to additional discipline up to and including termination if immediate and sustained corrective action is not taken may also be included in the written warning. The written warning should be signed by the employee and placed in their personnel file. If the employee refuses to sign, this should be documented on the written warning by the Principal.

Step 3: Suspension and final written warning

There may be performance, conduct, or safety incidents so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others, the immediate supervisor may suspend the employee pending the results of an investigation.

Suspensions that are recommended as part of the normal progression of this progressive discipline policy and procedure are subject to approval from the Principal and HUMAN RESOURCES.

Depending on the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal, state, and local wage-and-hour employment laws.

All disciplinary action will be in accordance with the civil service laws of the State of Ohio. Suspensions of less than four days will not occur for reasons which are arbitrary, capricious, or discriminatory.

SCHOOL SAFETY

It is the responsibility of each employee to conduct all tasks in a safe and efficient manner complying with all local, state, and federal safety and health regulations and program standards, and with any special safety concerns for use in a particular area or with students.

Although most safety regulations are consistent throughout each department and program, each employee has the responsibility to identify and familiarize her/himself with the emergency plan for his/her working area. The School shall have posted an emergency plan, detailing procedures in handling emergencies such as fire, weather-related events, and medical crises.

It is the responsibility of the employee to complete an Accident and Incident Report for each safety and health infraction that occurs by an employee or that the employee witnesses. Failure to report such an infraction may result in employee disciplinary action, including termination.

Furthermore, School administration requires that every employee assumes the responsibility of individual and School safety. Failure to follow School safety and health guidelines or engaging in conduct that places the employee, student(s), or School property at risk can lead to employee disciplinary action and/or termination.

Emergency/Safety Plans

The Principal, or their designee, is directed to prepare a comprehensive school safety plan for the School building. The plan examines the environmental conditions and operations of the building to determine potential hazards to student and staff safety and considers operating changes to promote the prevention of potentially dangerous problems and circumstances.

Each employee of the school should review and be familiar with the contents of the emergency operations plan to include an understanding of the Incident Command System, the location of the School's rally points, and the family reunification process. Each employee should review the Emergency Operations Plan, available in the School office.

The Principal and their designee are authorized to take appropriate action to prevent and remove, if necessary, unauthorized persons from entering the School building, loitering on the grounds, and/or creating disturbances anywhere on School property.

Visitors:

A visitor is an individual whose presence is not recurring/regular AND will not have unsupervised access or the opportunity for unsupervised access to students on a regular basis. All building visitors are required to check in and be approved.

Visitors sign in at the front desk upon entering to have picture taken and receive visitor pass/badge which must be carried with them at all times while on school premises. Visitors must visit front desk again when leaving to sign out and return the visitor badge.

Emergency Drills

The following emergency and safety drills will be conducted at the School:

- (1) staff safety training and theoretical drill held at the start of each school year. Student participation is not required.
- (1) fire drill within the first (10) days of the new school year.
- (6) additional fire drills throughout the year.
- (3) additional safety drills with student participation, to provide pupils with instruction in the procedures to follow in situations where pupils must be secured in the school building or rapidly evacuated in response to a threat to the school involving an act of combination drill. These drills are provided as preparation for an active intruder or active shooter situation.

STAFF-STUDENT RELATIONS

The relationship between the School's staff and students must be one of cooperation, understanding, and mutual respect. Staff members have a responsibility to provide an atmosphere conducive to learning and to motivate each student to perform to his/her capacity. Staff members should strive to secure individual and group discipline and should be always treated with respect by students. By the same token, staff members should extend to students the same respect and courtesy that they, as staff members, have a right to demand.

Although it is desired that staff members have a sincere interest in students as individuals, partiality and the appearance of impropriety must be avoided. Excessive informal and/or social involvement with individual students is prohibited. Such conduct is not compatible with professional ethics and, as such, will not be tolerated.

Staff members are expected to use good judgment in their relationships with students both inside and outside of the School context including, but not limited to, the following guidelines:

1. Staff members of the School will not make derogatory comments directly to, or in the presence of, students, regarding the School, its staff, and/or other students. Staff members of the School will respect the best interest of the School and will safeguard the School's reputation when engaging with students, parents, business professionals, and community representatives.
2. The exchange of purchased gifts between staff members and students is discouraged.
3. Staff-sponsored parties, at which students are in attendance, unless they are a part of the school's extracurricular program and are properly supervised and approved by the School administration, are prohibited.
4. Staff members shall not fraternize, written, electronically, or verbally, with students except on matters that pertain to school-related issues.
5. Staff members shall not associate with students at any time, in any situation or activity which could be considered sexually suggestive or involve the presence or use of tobacco, alcohol, or drugs.

Field Trips

All field trips must be pre-approved by the Principal. Once written approval has been received, employees will need to work with the secretary to secure the date, transportation, and parent permission. Due to transportation issues, please allow plenty of time for approval and scheduling of buses. Parent approval is required for all field trips off of School premises. The teacher escorting a group of students off the premises must make arrangements with the School nurse to have all Emergency Medical Cards and any medications for students attending the trip.

Money Collection

Teachers may be responsible for collecting money from students for field trips, fundraisers, etc. It is very important that all money is collected and turned in to the office the same day that it is collected with notation as to which student submitted such money.

INCIDENT REPORTING

Hazing, Bullying, and Aggressive Behavior

Harassment, intimidation, or bullying toward a student, whether by other students, staff, or third parties is strictly prohibited and will not be tolerated. This prohibition includes aggressive behavior, physical, verbal, psychological abuse, and violence within a dating relationship. The Board will not tolerate any gestures, comments, threats, or actions which cause or threaten to cause bodily harm or personal degradation. This policy applies to all activities in the school, including activities on school property, on a school bus, and events occurring off school property if the student or employee is at any school-sponsored, school-approved, or school-related activity or function.

As used in Board policy, “hazing” means doing any act or coercing another, including the victim, to do any act of initiation into any student organization or other organization that causes or creates a substantial risk of causing mental or physical harm to any person. As used in Board policy, “bullying, harassment, and intimidation” (hereinafter “bullying”) means an intentional written, verbal, or physical act that a student has exhibited toward another particular student, staff member, or volunteer more than once. The intentional act also includes violence within a dating relationship. The behavior both causes mental or physical harm to the other person and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other person. This behavior is prohibited on school property, on a school bus, or at a school-sponsored activity.

Prohibited activities of any type, including those activities engaged in via computer and/or electronic communications devices, are inconsistent with the educational process and are prohibited at all times. No Principal, teacher, or other employee or volunteer of the school shall encourage, permit, condone, or tolerate any hazing and/or bullying activities. No students, information regarding the nature and extent of the suspected abuse and/or neglect; and any other first-hand/factual information that may be helpful.

Employee Acknowledgement Form on following page

Employee Acknowledgement Form

The Employee Handbook describes important information about the Par Excellence Academy, and I understand that I should consult the Principal or their designee regarding any questions not answered in the Handbook.

I understand that the Handbook is not a contract of employment, and unless a Board-approved written contract states otherwise, that my work is “at-will,” meaning that I am free to leave the School at any time, with or without reason, and that the School has the same right to end its employment relationship with me at any time, with or without cause, as long as there is no violation of applicable federal or state law. No one at Par Excellence Academy has authority to make a contrary agreement with me except with written Board approval.

I understand that this Handbook contains general statements about current School policy, and that the School retains the right to revise or modify the terms, information, and policies at its sole discretion and at any time.

I understand that if I have knowledge, either direct or indirect, of harassment or discrimination in any form, I am obliged to report the circumstances immediately to the Principal or their designee, or, to another supervisor if necessary.

My signature below acknowledges that I have received the Handbook, and I understand that it is my responsibility to read and comply with the policies contained in this Handbook and any revisions made to it.

I understand that I should consult with the Principal or the Human Resources department regarding any questions I may have about School policies and practices.

EMPLOYEE'S NAME (printed): _____

EMPLOYEE'S SIGNATURE: _____

DATE: _____

This form is to be signed and submitted to the Administrator. The form will be placed in the personnel file of the employee and maintained pursuant to School policy.