

**POLICIES**  
**OF**  
**THE GOVERNING AUTHORITY**  
**OF**  
**The Maritime Academy of Toledo**

An Ohio Non-Profit Corporation  
and  
Ohio Community School

Adopted

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Date

## TABLE OF CONTENTS

### **SECTION 1: GOVERNANCE POLICIES**

#### **100 IDENTIFICATION/DEFINITIONS**

- 101 Name
- 102 Type of Corporation
- 103 Facility
- 104 Address
- 105 Definitions and Heading

#### **110 POWER AND ETHICS OF BOARD**

- 111 Authority
- 112 Board Powers
- 113 Board Members' Powers
- 114 Ethics and Conflicts Policy
- 115 Complaint/Judicial Powers

#### **120 GENERAL GOVERNANCE**

- 121 Code of Regulations
- 122 Orientation
- 123 Contracts with Sponsor/Fiscal Officer
- 124 Reimbursement/Compensation
- 125 Background Checks of Board Members

#### **130 BOARD MEETINGS**

- 131 Meetings/Executive Sessions
- 132 Parliamentary Authority
- 133 Voting
- 134 Minutes
- 135 Attendance
- 136 Public Participation at Meetings

#### **140 GENERAL BOARD DUTIES**

- 141 Review of Policies
- 142 Approval and Monitoring Budget/Bond; Financial Reporting
- 143 Monitoring of Charter Contact
- 144 Reporting Requirements
- 145 Media Policy
- 146 Intentionally Left Blank
- 147 Public Records Policy
  - 147.1 Records Retention and Disposal Policy
- 148 Finances
  - 148.1 Purchasing/Invoicing
  - 148.2 Fixed Asset Policy/Title I and Federal Grant Assets Policy
  - 148.3 Audit Committee
  - 148.4 Independent Contractors
  - 148.5 Annual Financial Report
  - 148.6 Credit Cards
  - 148.7 Staff Reimbursement

## Maritime Academy Governing Board Policies

- 148.8 Federal Grants Procurement, Monitoring, and Administration
- 148.9 Investments
- 148.10 Cost Principles and Financial Management for Use of Federal Funds
- 149 Use of Cellular Telephones and Other Wireless Technologies

### **150 ADMINISTRATION/PROGRAM/SCHOOL POLICIES**

- 151 Approval of Management by Management Company
- 152 Board/Principal/Management Company/Fiscal Officer Relationships
- 153 Role of Management Company, if any
- 154 Job Descriptions
- 155 Mission Statement
- 156 Vision Statement
- 157 Insurance
- 158 Curriculum Development
- 159 Development of School Policies

### **SECTION 2: PROGRAM AND STUDENT POLICIES**

#### **200 PROGRAM OPERATION**

- 201 Mission Statement
- 202 Vision Statement
- 203 Parent and Foster Caregiver Involvement
  - 203.1 Parent and Family Engagement in Title I Programs
  - 203.2 Title I and Parent's Right to Know
  - 203.3 Parental Involvement – Use of Evidence-Based Research
  - 203.4 Parental Review of Instructional Materials
  - 203.5 Parental Consultation Regarding Physical Exams
- 204 Program Accountability
  - 204.1 Policy Regarding High Quality Education
  - 204.2 Intentionally Left Blank
  - 204.3 Intentionally Left Blank
  - 204.4 School to Work Programs
  - 204.5 Compliance with State Academic Standards
  - 204.6 Intentionally Left Blank
  - 204.7 Teacher and Paraprofessional Qualifications
  - 204.8 Migrant Students
  - 204.9 Intentionally Left Blank
  - 204.10 Intentionally Left Blank
  - 204.11 Assistance to English Language Learners and Immigrant Students
  - 204.12 Intentionally Left Blank
  - 204.13 College Credit Plus – Advanced Standing Program
  - 204.14 Career Advising and Student Success Plans
  - 204.15 Use of Drones
  - 204.16 Cyber Threat
  - 204.17 Ohio Computer Science Promise Program Policy
- 205 Program Assessment
  - 205.1 Report Card
  - 205.2 Annual Report
  - 205.3 Other Reporting
  - 205.4 Intentionally Left Blank
- 206 General Notice of Non-Discrimination

**220 PROGRAM ADMINISTRATION**

- 221 Access to Equal Educational Opportunity
- 222 Title IX Coordinator
  - 222.1 Title IX Grievance Procedure
- 223 Title I Services
  - 223.1 Title I Complaint Procedure
- 224 Intentionally Left Blank
- 225 Religion in the Schools
- 226 School Prayer
- 227 Rights of Individuals with Disabilities
  - 227.1 Child Find
- 228 Section 504 of the Rehabilitation Act of 1973
- 229 Child Abuse and Neglect
- 230 Notice of Policy Changes
- 231 Policy Manual Distribution and Maintenance
- 232 Technology and Internet Acceptable Use
- 233 National and State Mottoes
- 234 Electronic Communication Devices
- 235 Access of Transgender Individuals to Activities, Programs, and Facilities
- 236 Transportation of Pupils
  - 236.1 Emergency and Evacuation Procedures

**240 STUDENT ADMISSION/GRADING/GRADUATION**

- 241 Admission and Lottery Standards
  - 241.1 R.C. 3314.041 Notice
  - 241.2 Records Upon Enrollment
  - 241.3 Intentionally Left Blank
  - 241.4 Enrollees Suspended or Expelled Elsewhere
  - 241.5 Enrollment and Residency Policy
  - 241.6 Tuition for Out of State Students
- 242 Student Assessment and Academic Prevention/Intervention Services
  - 242.1 Security Provisions for Statewide Assessment Tests
  - 242.2 Alternate Assessments for Students With Disabilities
- 243 Reporting Student Progress and Grades
- 244 Graduation Requirements
  - 244.1 Graduation Requirements – Class of 2018 Only
  - 244.2 Physical Education Waiver
- 245 Promotion and Retention Policy
  - Procedure to Notify Parent/Guardian or Custodian of Ohio Core Curriculum
- 246 Requirements
  - 246.1 Core Curriculum Requirements
- 247 Credit Flexibility
- 248 At-Risk Policy

**250 ATTENDANCE**

- 251 Attendance/Truancy/Withdrawal
- 252 Missing and Absent Children
- 253 Fingerprinting Students

- 254 Calamity Day Make Up Policy

**260 STUDENT CONDUCT/RIGHTS**

- 261 Student Expression
- 262 Student Bill of Rights/Responsibilities
- 263 Dress and Grooming
- 264 Sexual and Other Forms of Harassment
  - 264.1 Anti-Harassment, Intimidation, and Bullying Policy
  - 264.2 Anti-Hazing Policy
  - 264.3 Gang Activity Policy
- 265 Disorder and Demonstration
- 266 Drug Prevention
- 267 Pregnant Students
- 268 Search and Seizure
- 269 Use of Tobacco and other Stimulants on School Premises

**270 STUDENT DISCIPLINE/PROCEDURE**

- 271 Student Code of Conduct
- 272 Schools and Law Enforcement Agencies
- 273 Expulsion and Suspension Policy
- 274 Permanent Exclusion of Non-Disabled Students
- 275 Discipline/Suspension/Expulsion of Disabled Students
  - 275.1 Disciplining a 504 Student
- 276 Positive Behavioral Interventions and Supports, Seclusion, and Restraint

**280 STUDENT ACTIVITIES**

- 281 School Sponsored Publications
- 282 School Sponsored Trips
- 283 Equal Access for Non-School Sponsored Student Clubs and Activities
- 284 Student Employment
- 285 Return to Play
- 286 Athletics Policy

**290 MISCELLANEOUS STUDENT POLICIES**

- 291 Boy Scouts and Patriotic Youth Groups
- 292 Materials Regarding Sexual Activity
  - 292.1 Obscene Materials
  - 292.2 Sex Education
  - 292.3 Contraceptives
- 293 Military Recruitment and Student Privacy
- 294 Student Records and Release of Information
- 295 Student Surveys
- 296 Biennial Assessment
- 297 Homeless Children and Youth Policy
  - 297.1 Children in Foster Care
- 298 Grandparent Caretaker Policy
- 299 Constitution Day

### **SECTION 3: STAFF POLICIES/HANDBOOK**

#### **300 GENERAL**

- 301 About this Handbook
- 302 About Our School
- 303 Our Mission Statement
- 304 Our Values
- 305 Non-Discrimination Policy
- 306 Harassment Policy
  - 306.1 Statement of Philosophy
  - 306.2 Definition of Harassment
  - 306.3 Individuals Covered Under the Policy
  - 306.4 Reporting a Complaint
- 307 Immigration Law Compliance Policy

#### **310 YOUR EMPLOYMENT AT The Maritime Academy of Toledo**

- 311 Employment Status
- 312 Employment Contracts
- 313 Salaries

#### **315 EMPLOYEE QUALIFICATIONS**

- 316 Teachers
  - 316.1 Ohio Resident Educator Program Policy
  - 316.2 Non-Bachelor's Substitute Teachers for 2021-2022, 2022-2023, and 2023-2024 School Years Only
- 317 Educational Assistants/Paraprofessionals
- 318 Other Employees
- 319 Substitute Teachers

#### **320 EMPLOYMENT STATUS/PERSONNEL FILES**

- 321 Full-time Employee
- 322 Part-time Employee
- 323 Outside Activities
- 324 Personal Information and Access to Personnel Files
- 325 Access to Other Files
  - 325.1 Public Records
  - 325.2 Student Records
  - 325.3 Confidentiality of Records
- 326 Board-Staff Communications

#### **330 ETHICAL BEHAVIOR**

- 330.1 General Ethical Behavior
- 331 Use of Alcohol and Drugs
  - 331.1 Use of Over-the-Counter Medicine and Authorized Use of Prescription Medicine
  - 331.2 Prohibitions
  - 331.3 Searches
  - 331.4 Consequences for Violation of this Policy
  - 331.5 Testing
  - 331.6 Types of Testing

- 331.7 Medical Examinations
- 332 Tuberculin Testing
- 333 Weapons in the Workplace
- 334 Intentionally Left Blank
- 335 Mandatory Reporting of Misconduct by Licensed Employees
- 336 Social Networking Websites/ Teacher Blogging

**340 EMPLOYEE AND STUDENT CARE AND SAFETY**

- 341 Staff Student Relationship
- 342 General Safety Rules
- 343 Reporting Accidents
- 344 Injuries
- 345 Special Medical Needs
- 346 Student Abuse and Neglect
- 347 Student Transportation by Private Vehicle
- 348 Emergency Procedures
  - 348.1 Emergency School Evacuation
  - 348.2 Emergency School Closing/Inclement Weather
- 349 Threatening Behavior Toward Staff Members

**350 SCHOOL STAFFING, ORGANIZATION AND TRAINING**

- 351 General Policy
- 352 Staff Development
- 353 Performance Evaluation of Staff
  - 353.1 Performance Evaluation of Staff (“OTES 2.0”)
- 354 Performance Coaching
- 355 Reduction of Staff
- 356 Local Professional Development Committee

**360 EMPLOYEE MISCONDUCT, DISCIPLINE AND TERMINATION**

- 361 Employee Discipline
- 362 Disciplinary Procedure
- 363 Termination
- 364 Resignation
- 365 Whistleblower Policy

**370 COMPENSATION AND BENEFITS**

- 371 General Policy
- 372 Scheduling
- 373 Recording Work Time
- 374 Overtime Pay
- 375 Salary Deduction Policy
- 376 Tuition Reimbursement Program – Policies and Procedures

**380 TIME OFF FROM YOUR JOB**

- 381 Personal Leave
- 382 Paid School Holidays
- 383 Medical Leave of Absence
- 384 Other Leave

## Maritime Academy Governing Board Policies

- 385 Family and Medical Leave (FMLA)
- 386 Serious and Communicable Diseases Policy
- 387 Military Leave for Family Member
- 388 Genetic Information

### **390 MISCELLANEOUS POLICIES**

- 391 Insurance
  - 391.1 Health Insurance and Annuities
  - 391.2 Workers' Compensation Insurance
  - 391.3 STRS/SERS
  - 391.4 Unemployment Compensation
- 392 Staff Dress and Grooming/Staff School Uniform
- 393 Student Activities
- 394 Fund Raising Activities and Projects
- 395 Purchasing Policies
  - 395.1 Purchase of Supplies and Materials, Equipment
  - 395.2 Leases and Contracts
- 396 Staff Gifts
- 397 Use and Return of Property
  - 397.1 Use of Electronic Equipment
  - 397.2 Acceptable Uses of the School's Equipment
  - 397.3 Unacceptable Uses of the School's Equipment
- 398 Communications
  - 398.1 Software and Copyright Issues
  - 398.2 Security
  - 398.3 Violations

### EMPLOYEE ACKNOWLEDGMENT FORM

## **SECTION 4: HEALTH AND SAFETY POLICIES**

### **400 GENERAL HEALTH AND WELFARE**

- 401 Health Services
- 402 Use of Medications Policy
  - 402.1 Care of Students with Diabetes
- 403 Use of Inhaler/Epinephrine Autoinjector
  - 403.1 Procurement of Inhaler/Epinephrine Autoinjector for Emergency Use
- 404 Health Examinations and Immunizations
- 405 Emergency Medical Procedures
- 406 Emergency Medical Authorization
- 407 Control of Communicable Diseases
- 408 Prevention and Control of Non-Casual-Contact Communicable Diseases
- 409 Control of Blood-Borne Pathogens
- 410 Head Lice
- 411 Infectious Disease Policy
- 412 AIDS Policy
- 413 Peanut or Other Food Allergies
- 414 Bed Bug Infestation
- 415 Use of Animals in the Classroom or on School Premises



**420 PERSONAL SAFETY**

- 421 Dangerous Weapons
- 422 Public Conduct on School Property
- 423 Facility Security
- 424 Emergency Preparedness and Evacuation
  - 424.1 Student Suicide
- 425 Use of Equipment
- 426 Accidents to Students
- 427 Visitors, Volunteers and Guests
- 428 Bomb Threat Policy
- 429 Crisis Media Situations
- 430 AED and CPR Training

**440 ENVIRONMENTAL HEALTH AND SAFETY**

- 441 OSHA/PERPP Compliance/Risk Reduction Program
- 442 Property, Equipment and Supplies
- 443 Hazard Communication Program
- 444 Toxic Hazards and Asbestos Hazards
- 445 OSHA/Bloodborne Pathogens Exposure Control Plan
- 446 Prevention of Lead Poisoning
- 447 School Emergency Management Plan
  - 447.1 Technology Contingency Plan
- 448 School Health and Safety Network Inspections
- 449 Prior Notification of Pesticide Application

**450 FOOD SAFETY**

- 451 Food Services
  - 451.1 Unpaid Meal Charges
  - 451.2 Return of Unused Food Service Funds
- 452 Free and Reduced-Price Meals
- 453 Wellness Policy
- 454 Hand Washing Policy
  - 454.1 Illness Exposure Management of Food Service Employees
- 455 Food Sale Standards Policy

## CONTENTS OF APPENDICES

Appendix 115-A	Complaint Procedure
Appendix 121-A	Code of Regulations
Appendix 145-A	Media Release Consent Form
Appendix 147-A	Public Records Poster
Appendix 147-B	Request to Redact Personal Information
Appendix 147-C	Sealed Records
Appendix 147-D	Safe at Home Program
Appendix 147.1-A	Records Retention Schedule
Appendix 148.1-A	Proper Public Purpose
Appendix 148.8-A	Methods of Procurement Using Federal Grant Funds
Appendix 148.8-C	Child Nutrition Programs Procurement
Appendix 148.10-A	Procedure on Overpayment to Vendors
Appendix 203.1-A	Sample School-Family Compact
Appendix 203.2-A	Parent's Right-to-Know Letter
Appendix 203.2-B	Letter Regarding Instruction Provided by Teacher That Does Not Meet State Qualification Requirements
Appendix 204-A	Post-Secondary Enrollment Program Counseling Record and Post-Secondary Enrollment Program Educational Plan
Appendix 204.11-A	Guidelines for the Identification and Assessment of Limited English Proficient Students/English Language Learners
Appendix 204.13-A	Letter of Intent to Participate in College Credit Plus
Appendix 204.13-B	College Credit Plus Informational Sheet
Appendix 204.13-C	Sample Invitation Letter for Informational Sessions
Appendix 204.14-A	A Letter to Parent Re: Student Success Plan
Appendix 204.14-B	Model Letter to Parent After Development of Student Success Plan
Appendix 204.15	Model Aircraft Safety Code
Appendix 204.16	Cyber Threat Incident Response Plan
Appendix 222.1-A	Form For Formal Complaint of Sexual Harassment
Appendix 222.1-B	Notice to Respondent of Formal Complaint of Sexual Harassment
Appendix 222.1-C	Notice to Complainant of Formal Complaint of Sexual Harassment
Appendix 222.1-D	Notice Regarding Informal Resolution Process
Appendix 222.1-E	Notice of Evidence
Appendix 222.1-F	Notice of Investigative Report
Appendix 222.1-G	Question and Answer Request
Appendix 222.1-H	Notice of Determination of Responsibility
Appendix 222.1-I	Notice of Appeal
Appendix 222.1-J	Notice of Appeal Decision
Appendix 227-A	Model Special Education Policies and Procedures
Appendix 227-B	Procedures for Conducting an Independent Educational Evaluation
Appendix 227-C	Letter to Parents re List of Providers
Appendix 227.1-A	Child Find Notice
Appendix 227.1-B	Parent Notification of Scholarship Programs for Students With Disabilities
Appendix 236-A	Bus Driver Qualifications
Appendix 236-B	Bus Inspections
Appendix 236-C	Field Trip Permit
Appendix 236-D	Pre-Trip Safety Training Verification
Appendix 241.3-A	Early Admission Referral Form and Consent to Evaluate

## Maritime Academy Governing Board Policies

Appendix 241.3-B	Notice of Outcome of Acceleration or Early Admittance Evaluation Process
Appendix 241.5-A	Residency Verification Procedures
Appendix 241.5-B	Monthly Residency Verification Report
Appendix 242-A	Assessment and Academic Prevention/Intervention Services Procedures
Appendix 242.1-A	Standards for the Ethical Use of Tests
Appendix 242.2-A	Guidelines for Participation in Ohio's Alternate Assessment for Students with Disabilities
Appendix 243-A	Individual Student Assessment Recordkeeping Chart
Appendix 244-A	Physical Education Waiver Form
Appendix 244-B	OhioMeansReadiness Seal
Appendix 244-C	Community Service Seal
Appendix 244-D	Fine & Performing Arts Seal
Appendix 244-E	Student Engagement Seal
Appendix 246-A	What It Takes to Earn an Ohio High School Diploma
Appendix 246-B	Parental Notification of Ohio Core Curriculum Requirements
Appendix 247-A	Credit Flexibility Regulation
Appendix 247-B	Credit Flexibility Plan
Appendix 248-A	Graduation Plan Invitation Letter to Parent
Appendix 248-B	Parental Notification That Student is At-Risk of Not Graduating
Appendix 248-C	Graduation Plan
Appendix 251-A	Parental Notification Regarding Withdrawal of Student
Appendix 251-B	Attendance Corrective Action Plan
Appendix 252-A	Missing Child Reporting and Marking Form
Appendix 252-B	Missing Child Educational Program
Appendix 264.1-A	Form for Reporting Incidents of Harassment, Intimidation and Bullying
Appendix 269-A	No Smoking Symbol Sign
Appendix 273-A	Notice of Intended Suspension from School
Appendix 273-B	Notice of Emergency Removal and Intent to Suspend from School
Appendix 273-C	Notice of Suspension from School
Appendix 273-D	Notice of Rights Re: Suspension from School
Appendix 273-E	Notice of Intended Expulsion from School
Appendix 273-F	Notice of Emergency Removal and Intent to Expel from School
Appendix 273-G	Notice of Expulsion from School
Appendix 273-H	Notice of Rights Re: Expulsion from School (for Use for Expulsions of 20 School Days or Less Only)
Appendix 273-I	Notice of Rights Re: Expulsion from School (for Use for Expulsions of More than 20 School Days Only)
Appendix 273-J	Notice of Mental Health Programs re: Suspension or Expulsion from School
Appendix 276-A	Form for Reporting Incidents of Restraint or Seclusion
Appendix 276-B	Restraint and Seclusion Incident Report
Appendix 282-A	School Sponsored Trip Permission Form

## Maritime Academy Governing Board Policies

Appendix 285-A	Concussion Information Sheet
Appendix 285-B	OHSAA Medical Authorization to Return to Play
Appendix 285-C	Sudden Cardiac Arrest Information Sheet
Appendix 285-D	Sudden Cardiac Arrest Parent/Athlete Signature Form
Appendix 294-A	Notification of Rights Under the Family Education Rights and Privacy Act (“FERPA”) and Authorization to Release Student Directory Information
Appendix 294-B	Request and Consent for Release of Records
Appendix 295-A	Notice to Parents Regarding the Protection of Pupil Rights Amendment
Appendix 297-A	Identification of Homeless or Unaccompanied Youth Enrollment and Decision Appeal Form
Appendix 297.1-A	Sample Local Foster Care Transportation Procedures
Appendix 298-A	Caretaker Authorization of Affidavit
Appendix 298-B	Caretaker Power of Attorney
Appendix 307-A	Form I-9 Employment Eligibility Verification
Appendix 324-A	Personal Information Procedure
Appendix 324-B	Personal Information Notice
Appendix 333-A	Notice Regarding Weapons in the Workplace
Appendix 335-A	Licensure Code of Professional Conduct for Ohio Educators
Appendix 335-B	Educator Misconduct Reporting Form
Appendix 347-A	Parental Consent for Transportation by Private Vehicle Permission Form
Appendix 347-B	Request for Transportation by Private Vehicle
Appendix 349-A	Threatening Behavior Toward Staff Members
Appendix 356-A	Local Professional Development Committee Guidelines, if any
Appendix 365-A	Acknowledgement of Receipt of Auditor of State fraud reporting system information
Appendix 376-A	Tuition Reimbursement Forms
Appendix 397-A	Employee Acceptance of Terms of Use and Return of Property
Appendix 398.1-A	Copyright Guidelines
Appendix 402-A	Physician’s Request for Medication Form
Appendix 402-B	Notice to Parents Regarding Medication Policy
Appendix 402.1-A	Sample Section 504 Plan Notice for Students with Diabetes
Appendix 403-A	Inhaler Permission Form
Appendix 403-B	Epinephrine Autoinjector Permission Form
Appendix 403.1-A	Prescriber-Issued Protocol
Appendix 404-A	Immunization Summary for School Attendance
Appendix 406-A	Health and Fitness Parental Consent Form
Appendix 406-B	Emergency Medical Authorization Form
Appendix 407-A	Communicable Disease Procedure
Appendix 407-B	Ebola Virus Disease-Specific Procedures
Appendix 407-C	Covid-19 Specific Procedures
Appendix 410-A	Ohio Department of Health Head Lice Information Pamphlet
Appendix 412-A	Control of AIDS
Appendix 413-A	Food Allergy Notification Form
Appendix 414-A	Parental Consent To Search Child For Bed Bugs
Appendix 414-B	Bed Bug Inspection Report
Appendix 414-C	Health Services Notification And Information About Bed Bugs
Appendix 415-A	Animals in the Classroom – Parent/Guardian Information and Consent
Appendix 415-B	Animal Request and Verification Form

## Maritime Academy Governing Board Policies

Appendix 424-A	Emergency Management Test and Health Plan Emergency Drills
Appendix 424-B	Emergency Drill Log
Appendix 424-C	Sample Emergency Drill Calendar
Appendix 424.1-A	Student Suicide Questionnaire
Appendix 425-A	General Safety Procedures
Appendix 426-A	Form for Reporting Accidents to Students
Appendix 428-A	Bomb Threat Form and Call Checklist
Appendix 441-A	Injury and Illness Incident Report
Appendix 441-B	Log of Work-Related Injuries and Illnesses
Appendix 441-C	Summary of Work-Related Injuries and Illnesses
Appendix 441-D	Log of Work-Related Exposure
Appendix 441-E	Sharps Injury Form
Appendix 441-F	OSHA Notice
Appendix 444-A	Asbestos Management Plan
Appendix 445-A	OSHA Model Exposure Control Plan
Appendix 446-A	Protect Your Family From Lead in Your Home Brochure
Appendix 447-A	Data Collection Worksheet: Information for EMT (Emergency Management Test) Entry into SAFE
Appendix 448-A	Chemical Hygiene Plan
Appendix 451-A	Handwashing Poster
Appendix 451-B	Sample Public Release
Appendix 451-C	Responding to Bodily Fluids in Food Service Area
Appendix 452-A	Hearing Procedures
Appendix 452-B	Application to Receive Free and Reduced-Price Meals
Appendix 452-C	Parental Notice of Availability of Free and Reduced-Price Meals
Appendix 455-A	Nutrition Standards for Beverages
Appendix 464-A	Ohio Immunization Summary for School Attendance

**SECTION 1:**  
**GOVERNANCE POLICIES**

**SECTION 100**

**IDENTIFICATION/DEFINITIONS**

**101                    Name**

The School Governing Authority of this Ohio Community School known as The Maritime Academy of Toledo shall be referred to herein as the “Governing Authority” or “Board of Directors” or “Board.”



**102                    Type of Corporation**

The Maritime Academy of Toledo was established as an Ohio non-profit corporation under Chapter 1702 of the Ohio Revised Code (R.C. 3314.03(A)(1)) to operate a community school.

**103                    Facility**

The physical location of The Maritime Academy of Toledo is comprised of a certain area as described in the contract with the authorized Sponsor.

**104                    Address**

The official address of the Governing Authority shall be 803 Water St, Toledo, OH 43604.

## **105 Definitions and Headings**

Whenever the following items are used in these policies, they shall have the meaning set forth below:

### Board or Governing Authority

The Board of Directors of the Corporation.

### Charter Contract

The contract (“Contract”) between the Sponsor and the School, also known as the Community School Contract.

### Corporation

The Ohio non-profit corporation known as The Maritime Academy of Toledo.

### Headings

Headings are for convenience only. Headings have no substantive meaning.

### Management Company

A Company, if any, contracted with the Board to manage certain functions of the School.

### May

This word is used when an action is permitted but not required.

### Parent

The natural or adoptive parents, or, the party designated by the courts as the legal guardian or custodian of a student. Both parents will be considered to have equal rights unless a court of law decrees otherwise. Parent may also mean a Student eighteen (18) years of age or older not under a guardianship, to the extent permitted by law.

### Policy

A general, written statement adopted by the Governing Authority which defines its expectations or position on a particular matter and authorizes appropriate action that must or may be taken to establish and/or maintain those expectations.

### Principal

The Principal, Director of Education, Head of School, or Chief Administrative Officer of the School. Principal also means, to the extent permissible by law, the Principal’s designee.

### School

The Maritime Academy of Toledo, sometimes referred to herein as “Maritime Academy” or “School” or “TMAT”.

### School Property

## Maritime Academy Governing Board Policies

School Property refers to any property owned, used or leased by the School for School, School extracurricular or School-related events.

### School Sponsored Activity or Event

A School sponsored activity or event is any activity or event conducted on or off School property (including School buses and other School-related vehicles) that is sponsored, recognized or authorized by the School Board and/or State Board of Education.

### Shall

This word is used when an action is required. (The words “will” or “must” also signify a required action.)

### Sponsor

An entity which is approved by the Ohio Department of Education or by statute to sponsor Ohio Community Schools, pursuant to section 3314.02 of the Ohio Revised Code, which has entered into a Contract with the School, pursuant to section 3314.03 of the Ohio Revised Code.

### Staff or Employee

“Staff” or the words “Staff Member” includes and is interchangeable with the words teacher or administrator or employee. “Employee” means an employee of the Board or of a Management Company, if any.

### Student

A student is a child who is officially enrolled in the School or a program of the School.

### Superintendent

The person designated as Superintendent in OEDS-R.

**SECTION 110**

**POWER AND ETHICS OF BOARD**

**111 Authority**

The Board is authorized, constituted and governed by Chapter 3314 of the Revised Code of the State of Ohio (R.C. 3314) and by Chapter 1702 of the Revised Code of the State of Ohio (R.C. 1702). The Board is a private nonprofit corporation and serves a purpose to oversee an Ohio public community school. Its authority is derived from both corporate and public laws which are deemed applicable to its operations.

**112                    Board Powers**

The Governing Authority may ensure the performance of any act or function that is in compliance with the Ohio Constitution, R.C. Chapter 3314 or Chapter 1702, other statutes applicable to Ohio Community Schools, and the Contract entered into with the School's Sponsor.



**113 Board Members' Powers**

Board members as individuals do not separately possess the powers that reside in the Board as the Governing Authority of the School.

If in the opinion of the majority of the Board, a Board member's request(s) for facts and information is administratively unreasonable, the administration may withhold said facts or materials until a ruling is made by the Board.

## 114 Ethics and Conflicts Policy

**A. General Ethical Behavior.** While serving on the Governing Authority, each Director agrees to:

1. Obey the law and follow and implement the School's policies;
2. Not disclose or use, without appropriate authorization, any information acquired in the course of the Director's duties that is privileged or confidential under the law;
3. Not speak or act for the Board unless granted proper authority;
4. Work with the Board to establish, review and revise effective policies;
5. Delegate authority for administration to School administrators/staff;
6. Make every effort to attend all Board meetings;
7. Become informed on issues before the Board and relating to Community Schools and school choice;
8. Debate matters before the Board, but once voted upon, accept and support the Board's decision; and
9. Act ethically and in conformance with the School's mission and goals.

**B. Public Officers Ethics and Conflicts Rules – Improper Influence or Use of Authority.**

Ohio law requires that all Board members and School officials, including teachers performing or possessing authority to perform administrative/supervisory functions, comply with these laws.

1. Revised Code Section 102.03(D) & (E). A Board member cannot use, or authorize the use of, the authority or influence of his/her office or employment, or solicit or accept anything of value of such character as to manifest a substantial and improper influence upon him/her with respect to his/her duties.
  - a. "Anything of value" includes money and every other thing of value.
  - b. A thing of value has an improper character when it is secured from a party interested in matters before, or doing or seeking business with, the community school, its Board or employees, or where it could impair a Board member's objectivity and independence of judgment regarding his/her official actions and decisions.
  - c. A Board member shall not participate in matters that will benefit parties with whom he or she has a close family, economic, or business relationship.
  - d. **Abstain.** A Board member may avoid a conflict under R.C. 102.03(D) and (E) by abstaining from voting and refraining from discussions or deliberations of the Board regarding the matter. The Board shall follow the procedures set forth in Part E of this policy when presented with a transaction to which R.C. 102.03(D) or (E) applies.
2. Revised Code Section 2921.42(A)(1). A Board member cannot authorize or employ the influence of his/her office to secure authorization of any public contract in which he/she, a member of his/her family, or any of his/her business associates has an interest.
  - a. A prohibited interest must be direct and definite and may be either pecuniary or fiduciary in nature.
  - b. **Abstain.** A Board member may avoid a conflict under R.C. 2921.42(A)(1) by abstaining from voting and refraining from discussions or deliberations of the Board

regarding the matter. The Board shall follow the procedures of Part D of this policy when considering a situation involving R.C. 2921.42(A)(1).

3. Revised Code Section 2921.42(A)(3). A Board member shall not occupy any position of profit in the prosecution of a public contract which she or the community school board authorized, and which was not let by competitive bidding to the lowest and best bidder while the Board member holds a position on the Board or within one year thereafter.
  - a. A Board member occupies a position of profit in a public contract whenever he/she will receive a fee or compensation that is paid from or is dependent upon the contract, or the Board member will receive some other profit or benefit from the contract.
  - b. **Abstention** will not cure an R.C. 2921.42(A)(3) conflict.
4. Revised Code Section 2921.42(A)(4). A Board member cannot have an interest in the profits or benefits of a public contract entered into by or for the use of the community school.
  - a. A Board member has a prohibited interest in the profits or benefits of a public contract if the Board member would financially benefit from the contract, or the Board member has an ownership or fiduciary interest in the entity that is entering into the contract, unless the exception in R.C. 2921.42(C) applies.
  - b. For the exception to apply pursuant to R.C. 2921.42(C), the subject of the contract must be necessary supplies or services for the community school, and the supplies or services must be unobtainable elsewhere for the same or lower cost, or be furnished to the community school as part of a continuing course of dealing established prior to the Board member becoming associated with the community school, and, treatment of the community school must either be preferential to or the same as that accorded to other customers in a similar transaction. Under the exception, the entire transaction conducted at “arms-length” with the Board’s full knowledge of the Board member’s interest.
  - c. Abstention will not cure an R.C. 2921.42(A)(4) conflict unless the exception in R.C. 2921.42(C) applies.
5. Revised Code Section 2921.43(A). No public servant may knowingly solicit or accept improper compensation (a) other than as allowed by R.C. 102.03 (G), (H) and (I), to perform their acts, duties or services in their public servant capacity or as a supplement thereof, or, (b) for any additional or greater fees or costs than allowed by law in order to perform their official duties;
6. Revised Code Section 2921.43(B). No public servant shall solicit or accept anything of value for their own personal or business use or for the business or personal use of another public servant or party official, in consideration for (a) appointing, securing, maintaining, or renewing the appointment of any person to public office, employment or agency, or, (b) preferring or maintaining a public employee’s compensation, duties, placement, location, promotion or other material aspect of employment. A person is not prohibited from making voluntary contributions.
7. Revised Code 2921.43(C). No person shall coerce any contribution for the benefit of a political party, campaign committee, legislative campaign fund, political action committee or political contributing entity, in consideration for (a) appointing, securing, maintaining or renewing the appointment of any person to any public office, employment or agency, or (b) preferring or maintaining the status of any public employee’s compensation, duties, placement, location, promotion or other material aspects of employment. Coercion need

not actually cause or prohibit any action from actually occurring. A person is not prohibited from making voluntary contributions.

8. Revised Code Section 2921.44. A fiscal officer shall be disqualified from serving as a public official for four years after being found guilty of dereliction of duty in Ohio and, also prohibited from holding a public office until all restitution or repayment required by a court has been satisfied. Dereliction of duty may include (a) recklessly creating a deficiency, incurring a liability, or expending a greater sum than is appropriated by the general assembly for the use in any one year for the entity to which the public official is connected; or, (b) recklessly failing to perform a duty expressly imposed or forbidden by law with respect to the public servant's office.

C. **Excess Benefit Transaction**. Internal Revenue Code Section 4958 provides for an excise tax that is imposed on a "disqualified person" who enters into an "excess benefit transaction" with the School. The tax may be imposed on members of management who approve the transaction. A transaction is an "excess benefit transaction" if the School pays more than fair market value for goods or services.

1. "Disqualified person" includes:

- a. A person in a position to exercise substantial influence over the affairs of the School at any time during a five year period ending on the date of the transaction;
- b. A member of the family of a person described in a, above;
- c. A corporation or other entity in which persons described in a and b, above, have a 35% or greater voting or ownership interest; and
- d. Any person having a relationship described in a, b, or c above with a company that has contracted to manage the School.

D. **IRC Procedure for Matters Involving Conflicts**. The Board shall follow the following procedures when it is called upon to consider any matter with respect to which an "interested person" has a "financial interest" as those terms are defined below. Please note: the fact that the Board of Directors has followed the procedures set forth below will not enable an "interested person" to avoid the legal prohibitions of R.C. 2921.42(A)(3) and (4) discussed in Parts B.3 and B.4, above.

1. For purposes of these procedures the following words have the following definitions.

- a. An "interested person" is any Board member, principal officer, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below.
- b. A person has a "financial interest" if the person, directly or indirectly, through business, investment, or family has:
  - i. An ownership or investment interest in any entity with which the School has a transaction or arrangement;
  - ii. A compensation arrangement with the School or with any entity or individual with which the School has a transaction or arrangement; or
  - iii. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the School is negotiating a transaction or arrangement.
- c. "Compensation" includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

2. Duty to Disclose. In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the Board members and members of committees with governing board delegated powers considering the proposed transaction or arrangement.
3. Determining Whether a Conflict of Interest Exists. A financial interest is not necessarily a conflict of interest. Under this procedure, a person who has a financial interest will have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists. Please note: the situations described in Part B present a conflict of interest. As such, the Board need not determine whether a conflict exists for any situation described in Part B. If the situation is not described in Part B, after disclosure of the financial interest and all material facts, and after any discussion with the interested person that is permitted under these policies, he/she shall leave the Board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining Board or committee members shall decide if a conflict of interest exists.
4. Procedures for Addressing the Conflict of Interest.
  - a. Except as otherwise provided in these policies, an interested person may make a presentation at the governing board or committee meeting, but after the presentation permitted under these policies, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
  - b. The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
  - c. After exercising due diligence, the governing board or committee shall determine whether the School can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
  - d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested Board members whether the transaction or arrangement is in the School's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

**E. Other Procedures and Record Keeping Requirements.**

1. Violations of the Conflicts of Interest Policy.
  - a. If the Board or committee has reasonable cause to believe a member has failed to disclose an actual or possible conflict of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
  - b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.
2. Documentation. The minutes of the Board and all committees with board- delegated powers shall contain:

## Maritime Academy Governing Board Policies

- a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the Board's or committee's decision as to whether a conflict of interest in fact existed.
  - b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.
3. Annual Statements. Each Board member, principal officer and member of a committee with governing board delegated powers shall annually sign a statement which affirms such person:
  - a. Received a copy of the conflict of interest policy;
  - b. Read and understands the policy;
  - c. Agreed to comply with the policy;
  - d. Understands the School is charitable and must engage primarily in activities which accomplish one or more of its tax-exempt purposes to maintain its federal tax exemption;
  - e. Acknowledges that a voting Board member who receives compensation, directly or indirectly, from the School for services is precluded from voting on matters pertaining to that member's compensation;
  - f. Acknowledges that a voting committee member whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the School for services is precluded from voting on matters pertaining to that member's compensation; and
  - g. Acknowledges that no voting member of the Board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the School, either individually or collectively, is prohibited from providing information to any committee regarding compensation.
4. Periodic Reviews. To ensure the School operates in a manner consistent with its charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:
  - a. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining.
  - b. Whether partnerships, joint ventures, and arrangements with management companies conform to the School's written policies, are properly recorded, are a reasonable investment or a reasonable payment for goods and services, further its charitable purposes and do not result in inurement, impermissible private benefit, or an excess benefit transaction.
5. Use of Outside Experts. The School may use outside experts in conducting its reviews, but, such use does not relieve the Board's obligation to conduct periodic reviews.

## Maritime Academy Governing Board Policies

6. Immediate Relatives. An “immediate relative” means the Board member’s spouse, children, parents, grandparents, and siblings, as well as in-laws residing in the same household as the Board member.
  - a. If the School is not sponsored by a school district or educational service center, no present or former Board member, or immediate relative of any present or former Board member, shall be an owner, employee, or consultant of the School’s sponsor or operator, unless at least one year has elapsed since the person’s Board membership ceased.
  - b. If the School is sponsored by a school district or educational service center, no present or former Board member, or immediate relative of any present or former Board member, shall (i) be an officer of the Sponsor’s governing board, unless at least one year has elapsed since the person’s Board membership ceased, or (ii) serve as an employee of or consultant for the department, division, or section of the Sponsor organization that is directly responsible for sponsoring community schools, or have supervisory authority over such a department, division, or section, unless at least one year has elapsed since the person’s Board membership ceased.
7. Annual Disclosure Requirement. Each Board member shall annually file a disclosure statement setting forth the names of any immediate relatives or business associates employed, within the previous three (3) years, by (a) the sponsor or operator of the School, (b) a school district or educational service center that has contracted with the School, or (c) a vendor that is or has engaged in business with the School.

Each Governing Authority Director (Board member) shall sign a copy of this Ethics and Conflicts Policy in order to demonstrate his/her commitment to these principles.

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Signature and Title

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Date

Note: All School officials and employees, including teachers who do perform or who have the authority to perform administrative and supervisory functions, are subject to all Ohio Ethics and Conflicts Laws and should sign the above acknowledgment as well.

*Ohio Revised Code Chapter 102, Sections 2921.42, 2921.43, 2921.44 and 3314.02.*

**115                    Complaints/Judicial Powers**

The Governing Authority may assume jurisdiction over any dispute or controversy within or about the School and concerning any matter in which authority has been vested in the Governing Authority by these Policies, or applicable Ohio or federal law.

The Governing Authority authorizes and directs the Principal to establish a Complaint Procedure to be attached as **Appendix 115-A** and to implement a procedure where the administration handles complaints not otherwise established as the jurisdiction of the Governing Authority in these Policies.

See Appendix 115-A Complaint Procedure.



**SECTION 120**

**GENERAL GOVERNANCE**

**121                    Code of Regulations**

The Code of Regulations is the document setting out the corporate governance of the Board in accordance with Chapter 1702 of the Ohio Revised Code, as changed from time to time by the Board pursuant thereto.

See Appendix 121-A Code of Regulations.

## **122                    Orientation**

The Board believes that the preparation of each Board member for the performance of Board duties is essential to the effectiveness of the Board's functioning. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the School, and learn Board procedures.

Accordingly, each new Board member, at a minimum, shall receive for use during his/her term on the Board:

- a copy of the Ohio Open Meetings Law (R.C. 121.22);
- a copy of these Governance Policies;
- a copy of the current Contract with the School's Sponsor;
- the current budget statement and related fiscal materials;
- a copy of the contract with a Management Company, if any;
- governance training if required by the Sponsor or the Board.

Each new Board member shall be entitled to meet at the new member's request, with the Board President and any other one (1) Board member to discuss the School, Board functions, policies, and procedures.

**123                    Contracts with Sponsor/Fiscal Officer**

The Governing Authority may enter into a contract with a Sponsor and is authorized to make payments to the Sponsor pursuant to Ohio Revised Code Section 3314.03(C) and to designate a third party to be its fiscal officer.

## **124 Reimbursement/Compensation**

### Reimbursement

A Board member may receive reimbursement only for expenses that are pre-approved by the Board.

The following guidelines have been established by the Board to ensure appropriate and proper reimbursement of expenses for Board members.

Expenses will be reimbursed only for activities authorized by the Board at a rate determined by the Board.

When attending a Board-approved conference, fees, parking, mileage, meals, and housing which are reasonable can be submitted for approval, including a maximum gratuity of twenty percent (20%). A Board member will not be reimbursed for any upgrades for example, a hotel room with a view, or for room service.

A Board member cannot be reimbursed for any expense if the Board member received a benefit through a rewards program for that expense. Rewards programs allow users to earn rewards based on how much money they spend. Examples of rewards programs include, but are not limited to, frequent flier miles, grocery store loyalty card programs, and hotel free night programs. This prohibition includes rewards programs tied to credit cards and loyalty customer cards. No entertainment expenses or purchases of alcoholic beverages are reimbursable.

A voucher detailing the amount and nature of each expense must be submitted to the Board for approval within ten (10) days after the expenses have been incurred.

### Compensation Procedures

The Board and any compensation committee will follow these procedures in reviewing compensation arrangements with Board members, officers, and employees:

- a. Approve all compensation arrangements in advance (before paid).
- b. Document (in writing) its terms and the date approved.
- c. Document (in writing) the decision made by each member who participated in process.
- d. When warranted, consider compensation surveys and compensation paid or offered by similarly situated entities for similar services.
- e. Document (in writing) the information considered in making the decision, and its source.

The Board hereby ☒ approves ☐ does not approve [check one] compensation of \$125.00 per meeting attended for each community school Board member to be effective at the end of his or her term, for his or her next term.

The Board hereby ☒ approves ☐ does not approve [check one] compensation of \$60 for attendance at an approved training program three hours or less in length The Board hereby ☒ approves ☐ does not approve [check one] compensation of \$125.00 for attendance at an approved training program over three hours in length.

No Board member shall be compensated more than a total amount of \$5,000 per year for all Ohio community school governing authorities on which the individual serves.

ADOPTED 09/09/2024

Maritime Academy Governing Board Policies

*R.C. 3314.02; Ohio Ethics Comm. Advisory Opinion No. 91-010*

**125                    Background Checks of Board Members**

Each Board member shall, if required by law and/or the community school contract, submit to a background check, including criminal history and fingerprinting at the time of proposed election to the Board and at any time thereafter. The Sponsor, or the Board, may disapprove of any background check, at its or their discretion. Each Board member must consent to the release of his/her background check to the Sponsor and the Board.

*R.C. 3314.19(I).*

**SECTION 130**

**BOARD MEETINGS**



## **131 Meetings/Executive Sessions**

All pre-arranged gatherings by a majority of the Board to discuss School business shall be conducted in compliance with Ohio's Open Meetings Law.

### Regularly Scheduled Meetings

A Regular meeting is a meeting that is pre-scheduled and pre-published, generally at the beginning of the school year. For all regularly scheduled meetings, the Board shall: 1) post the time, date, and place of all meetings on site; 2) post the time, date, and place on the School's website (if applicable); and 3) ensure the publication of an advertisement announcing the time, date, and place of all regularly scheduled Board meetings at least one time during the school year in a local newspaper of general circulation. All other meetings of the Board shall be special meetings, or, a less common form of special meeting called an emergency meeting.

### Special Meetings

Special meetings are meetings that do not qualify as regular meetings, including re-scheduled regular meetings. Special meetings must have a stated purpose which can be broad or narrow, but which must be held only for the purpose noticed. The Board will provide at least twenty-four hours' advance notice of special meetings to the public, and to the news media that have requested individual notification. A special meeting notice must 1) include the time, date, place, and purpose of the special meeting; 2) be posted at the place of the meeting, on the School main entrance, and on the School's website (if applicable); and 3) sent to the news media that have requested individual notification.

### Emergency Meetings

In the event of an emergency meeting requiring official action, where twenty-four hours' advance notice cannot be given, the member or members calling the meeting shall 1) immediately notify the news media that have requested individual notification of the time, date, place, and purpose of the meeting, and 2) post the time, date, place, and purpose of the emergency meeting at the meeting site and on the School main entrance, as soon as possible.

### Advance Notification

Any person may obtain reasonable advance notification of School Board meetings. Upon request, a person may receive advance notification of School Board meetings: 1) electronically, by supplying a valid email address; or 2) via regular mail, by supplying the Board with self-addressed, stamped envelopes.

### Executive Sessions

There are times when the Board may need to meet privately during a regular or special meeting to discuss or deliberate certain statutorily allowable matters requiring confidentiality. An executive session may be held to consider any matter authorized by law as a proper subject for executive session, including but not limited to:

- A. the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing;

## Maritime Academy Governing Board Policies

- B. the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest, so long as no member of the Board shall use this section as a subterfuge for providing covert information to prospective buyers or sellers;
- C. conferences with an attorney for the Board concerning disputes involving the Board that are the subject of pending or imminent court action;
- D. matters required to be kept confidential by Federal or State laws and regulations or state statutes; and
- E. details relative to the security arrangements and emergency response protocols for the Board of School, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the School.

After the public meeting is convened, any member may make a motion for an executive session, stating the purpose of the session by citing one or more of the reasons set forth above. Upon receiving a second to the motion and a majority roll-call vote of those present and voting, the chairperson shall declare the Board in executive session.

If the session is to discuss a personnel matter listed in subparagraph A, above, the particular subject(s) for which the session has been called must be identified in the motion, but the motion does not need to identify the person by name.

No official action may be taken in executive session. All resolutions, rules, and formal actions of the Board resulting from deliberations that occurred in executive session shall be adopted during an open meeting.

### Retreats or Seminars

Retreats or seminars attended by the Board for general training, professional development, or question-and-answer sessions with non-public officials, where discussion of public business is not the purpose of the activity, are not considered public meetings under the Open Meetings Law. Board retreats that are conducted as workshops or work-sessions for addressing School business shall be considered meetings that must comply with the Open Meetings Law.

*R.C. 121.22.*

**132                    Parliamentary Authority**

The parliamentary authority governing the Board shall be Robert's Rules of Order, Newly Revised, in all cases in which it is not inconsistent with statute, other law, these Policies, or other Board directive. The Board may modify its parliamentary procedures.

### **133                Voting**

All motions shall require for adoption a majority vote, except as provided by statute, the Code of Regulations, or these Policies. Upon the demand of any member of the Board, the vote shall be recorded by roll call. All actions requiring a vote can be conducted by voice vote or show of hands, unless a roll-call vote is requested or required. A roll call vote is always required before the Board goes into an Executive Session.

In certain circumstances, a majority vote of the full Board must occur, such as, to affirm, revise, vacate, or modify an order of student expulsion or to reinstate a student (R.C. 3313.66(E)) (unless an authorized designee is used).

Unless a specified number of affirmative votes is required, an abstention shall be recorded and deemed to consent to the outcome of the voting. In situations in which a tie vote occurs and abstentions have been cast, the motion shall fail for lack of a majority.

**134 Minutes**

The Board's secretary shall keep reasonably comprehensive minutes of all its meetings showing the time and place, the members present, the subjects considered, a summary of the deliberations sufficient enough for the public to understand the basis for the Board's actions, the actions taken, and any other information required to be shown in the minutes by law, which shall be available to the public. Minutes of executive sessions shall reflect the general subject matter of discussions.

The Board's secretary shall provide each Board member with a copy of the draft minutes of the last meeting in a reasonable time before the next regular meeting.

The approved minutes shall be filed in the School office in a prescribed minute book as a permanent record of official Board proceedings.

*R.C.121.22; R.C.149.43.*

**135                    Attendance**

Regular attendance at Board meetings is an important responsibility of each Board member. It is through Board meetings that the official business of the School is conducted, deliberations occur and members of the public have an opportunity to address the full Board.

With that responsibility in mind, Board members agree that:

- A. A member who misses three (3) consecutive meetings, or
- B. A member who misses five (5) meetings in a year may be deemed by the Board to have vacated his or her position on the Board and a replacement may be selected for that seat according to the Code of Regulations.

In exceptional circumstances, e.g. serious illness or injury, a Board member may be unable to attend because of reasons outside the individual's control. In this circumstance, the Board member may request in writing an attendance waiver. The request should be addressed to the Board and will be voted on by the entire Board at its next regularly scheduled meeting. The Board member requesting the waiver may not participate in the vote.

### **136 Public Participation at Meetings**

Any person or group wishing to place an item on the agenda shall register their intent with the Principal no later than one (1) business day prior to the meeting and include:

- name and contact information of the participant;
- group affiliation, if and when appropriate; and
- topic to be addressed.

Provided, however, a person shall be encouraged by not required to register his or her intent to participate in a public comment period offered by the Board prior to said comment period.

In order to permit the fair and orderly expression of such comment, the Board shall provide a period for public participation at every regular meeting of the Board, and, the Board may publish rules to govern such participation in Board meetings.

The presiding officer of each Board meeting at which public participation is permitted shall administer the rules of the Board for its conduct.

The presiding officer shall be guided by the following rules:

- A. Public participation shall be permitted as indicated on the order of business or at the discretion of the presiding officer.
- B. Attendees may be asked register their intention to participate in the public portion of the meeting upon their arrival at the meeting.
- C. Participants must first be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name, address, and group affiliation, if and when appropriate.
- D. Each statement made by a participant shall be limited to two (2) minutes duration.
- E. No participant may speak more than once on the same topic unless all others who wish to speak on that topic have been heard.
- F. All statements shall be directed to the presiding officer; no person may address or question Board members individually.
- G. Video recordings are permitted, providing the person operating the recorder has contacted the Principal or his/her designee prior to the Board meeting to review possible placement and agrees to the placement of the equipment, and agrees to abide by the following conditions:
  - 1. No obstructions are created between the Board and the audience;
  - 2. No interviews are conducted in the meeting room while the Board is in session; and
  - 3. Equipment shall not be adjusted or re-positioned in a manner that would be distrcting to the Board's operations.
- H. The presiding officer may:
  - 1. interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, repetitive, or irrelevant;
  - 2. request any individual to stop speaking and/or leave the meeting when that person does not observe reasonable decorum;

## Maritime Academy Governing Board Policies

3. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
  4. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action;
  5. waive these rules.
- I. In the event that any participant's statement or conduct constitutes a true threat, meaning a statement or conduct where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals, the presiding officer may immediately recess, and law enforcement shall be contacted as soon as practicable.

The portion of the meeting during which the participation of the public is invited shall be limited to twenty (20) minutes.



**SECTION 140**

**GENERAL BOARD DUTIES**

**141                    Review of Policies**

It will be the policy of the Board to review its policies and procedures on a continuing basis (at least once per year) in order to keep them up-to-date.

**142                    Approval and Monitoring of Budget/Bond; Financial Reporting**

The fiscal year of the School shall begin on the first day of July in each year. The Board, subject to the oversight responsibilities of its Sponsor, and subject to any contract with a fiscal agent, shall have exclusive control of the budget. The Board shall prepare and publish an annual budget in accordance with the requirements of the State Auditor and its Charter Contract.

The Board shall designate a fiscal officer, and such fiscal officer shall either (1) execute a bond in an amount and with a surety acceptable to the Board, payable to the State of Ohio; or (2) present evidence of insurance coverage through an employee dishonesty and faithful performance of duty policy issued by a joint self-insured pool. Such bond shall be deposited with the Board and a Board-certified copy filed with the County Auditor. The fiscal officer or agent must meet the requirements of Ohio Revised Code 3314.011.

The Board shall comply with the standards for financial reporting adopted by the State Board of Education under R.C. 3301.07(B)(2).

*R.C. 3.061; 3301.07(B)(2); 3301.0714; 3314.011; 3314.042; OAC 117-6-07.*

See also Policy 148.5 Annual Financial Report.

**143                    Monitoring of Charter Contract**

The Board shall monitor compliance with the Charter Contract, along with the School's Sponsor, and may delegate this duty to the Principal or his/her designee.

**144                    Reporting Requirements**

The Governing Authority shall comply with the annual reporting requirements of the Ohio Revised Code 3314.08(B)(2)(a)-(i), and 3301.0714, and may delegate this responsibility or any other applicable reporting requirements to the Principal or his/her designee.

## **145 Media Policy**

Representatives of the local press, radio, and TV are an important link in the communications between the School and community. Maintenance of good working relationships with these persons is essential and requires the support and cooperation of the media representatives.

The Board authorizes the development of a sound working relationship between the news media and the School, based on mutual respect and cooperation and reserves the right to negotiate for the radio broadcasting, televising, filming or sound recording of any School event by an outside agency. These rights, if sold, shall be contracted under conditions designed to bring the most favorable terms to the School.

The Principal or his/her designee approved by the Board shall:

- A. be available to media representatives;
- B. keep media representatives informed with regard to the School program and activities, so that any reporting may be done on the basis of a complete and valid overview;
- C. submit, suggest, or request feature stories or articles to media representatives which are of interest or importance;
- D. provide Board packets to media representatives who attend meetings of the Board;
- E. assist various School related groups in their relations with the news media;
- F. protect School personnel from any unnecessary demands on their time by news media representatives.

In order to maintain a progressive and coordinated program of public relations for the School, it is essential that:

- A. Staff Members not give school information or an interview requested by representatives of the news media without prior approval of the Principal or his/her designee who will either set up an appointment for this purpose which will not interfere with the Staff Member's daily activities, or speak to the media representative about the matter personally;
- B. the Principal or his/her designee be present at all meetings with news media representatives;
- C. any photograph of a controversial nature, or questionable with regard to individual right of privacy, shall not be sanctioned.

See also Policy 429 Crisis Media Situations.

**146                    Intentionally Left Blank**

## 147            **Public Records Policy**

The School will utilize the following procedures regarding the availability of public records. Any person may inspect or obtain a copy of the public records of the School during the regular business hours of the office in which such records are maintained. An Employee or representative will be present during inspection of the records. Except as required or authorized by state or federal law, the Board shall not limit or condition the availability of public records by requiring disclosure of the requestor's identity or proposed use of the records, or by asking the request to be put in writing, unless it first discloses to the requester that a) none of that information is mandatory and b) whether disclosure of that information or making the request in writing would enhance the ability to identify, locate or deliver the records sought by the requestor. The School may require disclosure of the requester's identity or the intended use of student directory information in order to ascertain whether the directory information is for use in a profit-making plan or activity, and no student directory information, if any has been designated, shall be released to or accessed by any person or group for use in a profit-making plan or activity.

The School maintains a database or list that includes the name and birthdates of all Board Members and employees employed by the School. The database or list shall be made available upon a public records request.

A viewer, or a requester of copies of public records, may purchase copies of the School's public records upon payment of a fee not to exceed the cost for reproduction, supplies, mailing, delivery, transmission and/or handling. When making copies or records available, the preparer shall notify the requester of redactions or make redactions plainly visible to the requester. The current fee for copies shall be set by Board resolution.

If a request for public records is ambiguous, or overbroad, or does not reasonably identify what public records are being requested, the request may be denied so long as the requester is informed of the manner in which records are maintained and accessed by the School. Each ultimate denial, in whole or in part, shall provide the requester with an explanation, including the legal authority, as to why the request was denied, and such reasons shall be put in writing if the initial request was put in writing. The Board does not waive its rights to additional legal authority of reasons for denial by way of its written explanation to a requester.

No public record may be removed from the office in which it is maintained except by a Board officer or employee in the course of the performance of his/her duties.

The Board or its designee shall 1) participate in training concerning public records which is required by the Ohio Attorney General and which is free of charge under section 109.43 of the Ohio Revised Code, 2) erect a poster about its public records policy in a conspicuous place in all locations or branches of operations (See **Appendix 147-A**), 3) require its employee in charge of public records to sign an acknowledgement of receipt of its public records policies, and 4) include its public records policy in its manuals or handbooks of general policies and procedures for all employees. In addition, as of February 1, 2016, all Board members and administrators must attend public records training annually

The Board authorizes the Principal or his or her designee to dispose of, on a daily basis, routine messages transmitted by means of voicemail or email, provided the messages do not alter existing School records.



Redacting, Encrypting, or Truncating Personal Information

An individual may request that his/her personal information, (social security number, federal tax identification number, driver's license or state identification number, individual checking account, saving account, or credit card number) which is made available to the general public on the internet, be redacted. The request must be made in writing on the form contained in **Appendix 147-B**. Within five business days of receiving the request, the School shall redact the personal information requested to be redacted, if practicable. If impracticable, then the School shall the individual with a verbal or written explanation of why the redaction is impracticable.

The School shall redact, encrypt or truncate the social security number of any individual whose social security number is contained in a document which is available to the general public on the internet. If the School becomes aware that an individual's social security number was mistakenly not redacted, encrypted or truncated, the School shall do so within a reasonable period of time. This requirement does not apply to documents that are only accessible through the internet with a password.

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Acknowledgement of Employee or Designee  
in Charge of Public Records

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Date

*R.C. 149.43*

See Appendix 147-A Public Records Poster; Appendix 147-B Request to Redact Personal Information. See also Policy 325.1 Public Records.

## **147.1 Records Retention and Disposal Policy**

The orderly acquisition, storage and retention of School records and reports are essential for the overall efficient and effective operation of the School.

The Board President, Treasurer (fiscal officer), and Principal shall be Records Committee and meet annually to carry out the necessary work associated with the School's records. The procedures listed in **Appendix 147.1-A** shall guide them, as modified from time to time.

The Records Committee may not review or select for its custody either of the following:

- a. Records containing personally identifiable information concerning any pupil attending a public school other than directory information, as defined in section 3319.321 of the Revised Code, without the written consent of the parent, guardian, or custodian of each such pupil who is less than eighteen years of age, or without the written consent of each such pupil who is eighteen years of age or older;
- b. Records the release of which would, according to the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C.A. 1232g, disqualify a school or other educational institution from receiving federal funds.

Records shall be destroyed only as directed by the Records Committee.

### **Email and Correspondence Retention**

The following retention policy for email and correspondence is endorsed by the Local Government Records Program of the Ohio Historical Society. In general, the policy is based on the premise that email does not constitute a category of records in and of itself. Rather email is a delivery medium, like paper or microfilm, and individual emails should be retained according to the information which is contained in the message. There are four categories of email and correspondence retention.

#### **1. Non-Record Materials** (delete immediately)

- A. Email messages and correspondence that do not meet the criteria of being a "public record" under R.C. 149.43, because they do not document the organization, functions, policies, decisions, procedures, operations or other activities of the office, may be deleted immediately. These emails include:
  - B. Personal correspondence.
  - C. Publications, promotional materials, and similar materials (unless specifically incorporated into other materials that are "records")

#### **2. Official Records**

- A. Transient Retention (Retain until no longer of administrative value)
  - i. Transitory messages of very limited administrative value.  
(e.g., a message of an upcoming meeting only has administrative value until the meeting occurs; telephone messages; drafts, and other documents which serve to convey information of temporary importance in lieu of oral communication).
- B. Intermediate Retention
  - i. General Correspondence (Two years)
    - a. Internal Correspondence (letters, memos)

## Maritime Academy Governing Board Policies

- b. Correspondence from various individuals and organizations (requesting information or correspondence that is informative but does not attempt to influence policy)
- ii. Routine Correspondence (One year)
  - a. Referral letters, requests for routine information, and requests for publications which are answered by standard form letters.
- C. Long term Retention
  - i. Executive Correspondence
    - a. Correspondence dealing with significant aspects of the administration of their offices. (e.g., information concerning agency policies, program, fiscal, and personnel matters).

### **Storing Email Records**

For purposes of record retention, it is acceptable to store emails: (1) in the current email system; (2) in an electronic format (e.g., in a file on a local hard drive); or (3) by saving paper print outs in a filing system.

In order to ensure that someone in the agency takes responsibility for maintaining the email record during the retention period, the School shall choose one of the following procedures:

- ☐ 1. The individual who sends an email maintains the “record” copy. If an email is received from someone outside the organization, the recipient should retain it.
- ☒ 2. A mailbox is created (i.e. admin@<School Name>) for individuals sending out email to copy (cc) when email is sent and retention will then be administered by the IT Department of the School or Management Company.

*RC 149.41; RC 149.351*

See Appendix 147.1-A Records Retention.



**148.1 Purchasing/Invoicing**

Before placing a purchase order, each party authorized to place a purchase order should consider whether the material requested may be available elsewhere in the School or in the management company network, if any. In the interests of economy, fairness and efficiency, the Board requires that:

- A. All purchase orders shall be numbered consecutively.
- B. An informal but documented assessment of the responsibility, reliability, comparative cost and reputation of available qualified suppliers shall have been conducted before the purchase order is submitted.
- C. Certain purchases may be below an amount of money allowed to be spent without a properly signed purchase order, as authorized by the management company, if any, and the Principal.
- D. Insofar as conditions permit, all legitimate business suppliers shall be treated courteously.
- E. Credit card agreements must be approved by the Board, and, if so approved, all credit cards shall be kept in the custody of the Superintendent in a locked area. All credit card purchases must comply with **Policy 148.6**. Any staff member or Board member entrusted with a credit card shall be personally liable for the proper use and safekeeping of the credit card.
- F. Cooperative purchasing among schools managed by the same company is encouraged, if it results in an economic advantage. Other cooperative purchasing may be considered as well.
- G. If it results in an advantage of any kind, the School may prefer local vendors.
- H. All applicable ethical and conflicts rules shall be followed when purchasing or soliciting for purchasing. No director, officer, employee, staff or agent of the School shall 1) solicit or participate in the negotiations of a contract in which he or she has any direct or indirect pecuniary or beneficial interests or 2) accept any gift or favor from a vendor which might influence their recommendations in the eventual purchases of equipment, supplies or services.

These policies do not prevent any person from receiving royalties upon the sale of any textbook or similar educational product of which she or he is the author, which has been properly approved for use in the School.

If the Board is presented with an invoice from a vendor, the vendor must certify that the good or services were used for School purposes, the invoice must contain sufficient itemization to determine that the services or goods were used for School purposes and the fiscal agent or fiscal officer of the School shall pre-approve payment before the invoice is approved by the Board.

*R.C. 102.03; OAC 117-2-02*

See also Policy 148.6 Credit Cards and Policy 395.1 Purchase of Supplies and Materials, Equipment.

## **148.2 Fixed Asset Policy/Title I and Federal Grant Assets Policy**

### Purpose

The School's Fixed Asset/Title I and Federal Grant Assets policy establishes a fixed asset accounting system that, if followed, will ensure that the School properly handles and disposes of assets, including those assets obtained with Title I grant monies and other federal grant awards, and contains sufficient data to permit:

1. The preparation of fiscal year-end financial statements in accordance with Generally Accepted Accounting Principles (GAAP);
2. Adequate insurance coverage; and
3. Control, accountability and security.

Classifications of Fixed Assets. Fixed assets shall be classified as either: (1) equipment, (2) supplies, (3) furniture, (4) leased fixed assets, or (5) real property.

### Criteria for Fixed Asset Capitalization and Valuation

An item is a Fixed Asset if it has a useful life of one (1) year or more and the cost of the asset is greater than \$5,000.00, or, it is a leased asset with a purchase price of greater than \$5,000.00.

Fixed Assets are to be valued at historical cost or, if that amount is not practicably determined, at estimated historical cost. The Controller shall determine the estimated historical cost. Donated Fixed Assets shall be valued at the donor's estimated fair market value at the time of gifting.

Depreciation in value of a Fixed Asset will be calculated using straight-line depreciation. The estimated life of a fixed asset shall follow Association of School Business Officials (ASBO) guidelines.

### Management of Fixed Assets

The School shall conduct a physical inventory of its fixed assets at least every two years. The results of the physical inventories must be reconciled with the property records.

The School shall develop a control system to safeguard against loss, damage, or theft of fixed assets. The School shall investigate any loss, damage, or theft of any fixed asset. To the greatest extent possible, the School shall also maintain effective internal controls and safeguard all computing devices and assure that such devices are used solely for authorized purposes.

In order to prevent loss or theft of School property, all fixed assets (other than real property) will have a School fixed asset sticker indicating the School's ownership.

The School shall maintain its fixed assets in order to keep them in good condition and working order.

The following information shall be maintained for all fixed assets:

1. description of the asset
2. title information
3. serial number of the asset, if applicable
4. asset classification

## Maritime Academy Governing Board Policies

5. location, use, and condition of the asset
6. purchase price and percentage of federal participation
7. vendor
8. date purchased or leased
9. percent of federal funds used for purchase or lease, if applicable
10. accumulated depreciation
11. date and method of disposal and sale price
12. records generated by physical inventories

### Acquisition of Fixed Assets

Real Property Acquired with Title I or Other Federal Grants. Real property acquired with federal Title I or other federal grant monies received by the School shall be titled in the name of the School.

Except as otherwise provided by federal law or by the federal awarding agency, real property acquired with federal Title I or other federal grant monies shall be used for the purposes authorized by the grant(s). The School shall not dispose of or encumber its title or other interest in any real property acquired with federal Title I or other federal grant monies so long as the real property is needed for the originally authorized purpose.

Equipment Acquired with Title I or Other Federal Grants. Equipment acquired with federal Title I or other federal grant monies received by the School shall be titled in the name of the School.

For as long as needed, the School shall use equipment acquired with federal Title I or other federal grant monies in the program or project for which it was acquired, whether or not the project or program continues to be supported by federal funds. The equipment may be used in other activities currently or previously supported by a federal agency when it is no longer needed for the program or project for which it was acquired. The School shall give priority to activities under a federal award from the same agency then to activities under a federal award from other federal agencies.

The School can use equipment acquired with Title I or other federal grant monies on other projects or programs that are currently or were previously supported by the federal government provided that such use will not interfere with the program or project for which the equipment was acquired. First preference should be given to other programs or projects supported by the agency that awarded the grant monies.

The School shall not use the equipment acquired with federal Title I or other federal grant monies to provide services for a fee that is less than private companies charge for equivalent services.

The School shall obtain the approval of the awarding agency if required by the federal award before it (1) uses equipment acquired with federal Title I or other federal grant monies as a trade-in to acquire equipment to replace the old equipment, or (2) sells the old equipment and uses the sale proceeds to offset the cost of the replacement equipment.

Supplies Acquired with Title I or Other Federal Grants. Supplies acquired with federal Title I or other federal grant monies received by the School shall be titled in the name of the School.

The School shall not use the supplies acquired with federal Title I or other federal grant monies to provide services for a fee that is less than private companies charge for equivalent services.

## Maritime Academy Governing Board Policies

Equipment Furnished by Federal Agency. The School shall ensure that the equipment remains titled in the name of the Federal Government. The School shall follow the rules and procedures of the federal agency for managing the property.

### Disposal of Fixed Assets

The School shall establish and follow procedures to ensure that it receives the overall best possible return, if it sells any fixed asset. An independent valuation or market comparison may be used, among any other reasonable method of valuation.

Fixed Assets Not Acquired with Title I or Federal Grant Funds. Fixed assets that were not acquired in whole or part with federal grant monies will be disposed in a manner approved by the Governing Authority of the School. Upon recommendation of the Principal or Treasurer, such Board resolution shall designate the materials, equipment, supplies or other assets as obsolete, excess or unusable, and, shall identify the assets, and may sell, donate or lawfully dispose of them. Any proceeds shall be put in the general fund.

Real Property Acquired with Title I or Federal Grant Funds. When real property acquired with federal grant monies is no longer used for the originally authorized purpose(s), the School shall dispose of such property pursuant to instructions provided by the awarding agency.

Equipment and Supplies Acquired with Title I or Federal Grant Funds. The School may retain, sell, or otherwise dispose of equipment acquired with federal funds. However, the School shall contact the awarding agency for disposition instructions before it sells any equipment with a per unit value of greater than \$5,000 because the awarding agency may have a right to a portion of the proceeds of the sale. State law may dictate the procedures that must be followed or otherwise place restrictions on the ability of the School to sell the property.

Disposal of Equipment Provided by a Federal Agency. The School shall only dispose of federal equipment pursuant to instructions provided by the federal agency that provided the equipment, or should the assets or equipment be under a value or value per unit as applicable under the rules of the federal agency, then the School may dispose of the equipment or asset as if it was not acquired with federal grant funds.

*2 C.F.R. 200.*

See also Policy 148.8 Federal Grants Procurement, Monitoring, and Administration.



### **148.3            Audit Committee**

The Board shall establish an audit committee which shall consist of one of the following: the entire Board membership, or, a minority of the Board membership, or, a minority of the Board membership and any outside consultants of the Board's choice. At least one member of the audit committee shall possess knowledge in the areas of accounting, auditing, financial reporting or school finance. The audit committee shall serve a one-year term and meet as often as necessary to carry out its responsibilities. Members of the audit committee shall attend to their responsibilities in good faith, and in a manner they reasonably believe to be in the best interests of the School.

The purpose of the audit committee is to ensure that both external and internal audit functions and other accountability issues receive adequate oversight. The audit committee's responsibilities include, but are not necessarily limited to, a review of the annual unaudited financial reports submitted to the Auditor of State; a periodic review of the interim financial information submitted to the Board; a review of all audit results; an assurance that audit recommendations are appropriately addressed; serving as a liaison between School management and the independent auditors. Any recommendations of the audit committee shall be presented to the Board and responsibility for official action remains with the Board.

*OAC 117-2-05*

#### **148.4 Independent Contractor**

For purposes of this policy, independent contractors are individuals who provide services to the School who are not treated as employees of the School for purposes of withholding federal employment and income taxes.

The School may contract with an independent contractor for a service if none of the School's employees are qualified to provide the service, or, if having Employees perform the service would interfere with the daily operations of the School, or, if the Board of Directors of the School or its authorized designee deems it in the best interest of the School.

The School shall maintain a list of the independent contractors with whom it has contracted.

To the extent required by law, the School shall issue a 1099 Form to each independent contractor reporting the amount paid to the contractor and file the form with the appropriate governmental agency(ies).

In contracting for services with any independent contractor, the School shall enter into a written contract on or before the date the independent contractor begins to provide services under the contract if the amount payable under the contract is \$600.00 or more. The contract shall specifically describe the services that the independent contractor will provide under the contract.

The School shall obtain a W-9 form from the independent contractor at the time the contract is executed.

Subject to the terms of the contract, the School shall require that the independent contractor substantiate that the services have been performed before the School shall remit payment for the services.

No independent contractor shall be paid as an employee on a W-2 form. If any state retirement system decides that School must pay into its system on behalf of a contractor, such funds will be deducted from the gross pay to the contractor.

All employees of independent contractors providing "essential school services" to the School must fulfill one of the following conditions:

1. The independent contractor has provided proof that it has requested a criminal records check, including an FBI check, within the five-year period prior to the date on which the person will begin working in the School and the records check indicated that the person had not been convicted of or pleaded guilty to an offense that would disqualify the person for employment with the School;

**OR**

2. During periods of time when the employee of the independent contractor will have routine interaction with a child or regular responsibility for the care, custody or control of a child, an employee of the School has been assigned to be present in the same room as the child or, if outdoors, to be within a 30-yard radius of the child or to have visual contact with the child.

The Principal or his/her designee is responsible for ensuring that employees of independent contractors have successfully completed a criminal records check or will be supervised when they have access to children.

## Maritime Academy Governing Board Policies

The Principal has specified that “essential school services” are necessary services that would need to be provided by Employees if the services were not provided by an independent contractor (such as food, janitorial or clerical services).

*IRC 6041; R.C. 3314.41*

### **148.5            Annual Financial Report**

The School shall file an annual financial report, which must be prepared using generally accepted accounting principles. The report must contain the following:

1. The amount of collections and receipts, and accounts due from each source;
2. The amount of expenditures for each purpose;
3. The income of each public service industry owned or operated by a municipal corporation, and the cost of such ownership or operation (if applicable); and
4. The amount of public debt of each taxing district, the purpose for which each item of such debt was created, and the provision made for the payment thereof (if applicable).

The School must prepare two copies of the report. The original must be filed with the auditor of state at “Auditor of State, Local Government Services Division, 88 East Broad Street, Columbus, Ohio 43216-1140” or “Post Office Box 1140, Columbus, Ohio 43216-1140” and the copy must be retained by the School’s fiscal officer. The report must be filed either in paper form or electronically in a manner and format prescribed by the auditor of state and must be filed within one hundred and fifty (150) days after the close of the fiscal year. At the time the report is filed with the auditor of state, the School’s fiscal officer must publish notice in a newspaper of general circulation in the political subdivision or taxing district.

*R.C. 117.38; OAC 117-2-03.*

**148.6 Credit Cards**

For purposes of this policy, “credit cards” are defined to include any bank- or financial institution-issued credit card account, store-issued credit card account, affinity credit card account, or any other credit card account allowing the holder to purchase goods or services on credit, or any debit or gift card account related to the receipt of grant money. Credit cards do not include debit cards unrelated to grant moneys, and possession and/or use of such debit cards is prohibited.

The Board recognizes the convenience and efficiency afforded by the use of School credit cards. A credit card shall not be used in order to circumvent the general purchasing procedures established by State law and Board policy.

The Board affirms that credit cards shall only be used in connection with Board-approved or School-related activities and that only those types of expenses that are for the benefit of the School and serve a valid and proper public purpose shall be paid for by credit card. As such, employees are required to abide by the following guidelines when using a School credit card.

5. All credit cards related to the account, including checks, shall be applied for, acquired, or cancelled at the direction of the Board and Treasurer shall be issued to and in the name of the School.
6. Any changes to credit card terms requiring consumer authorization, including changes to credit limits, shall be approved by the Board.
7. Upon issuance, all credit cards and presentation instruments related to the account, including cards and checks, shall be managed, held and supervised by Treasurer or his/her designee (“Credit Card Holder”):
  - Superintendent who shall be the School’s credit card compliance officer and shall be prohibited from authorizing the use of the credit card by any other individual
8. The Treasurer may authorize any employee to use a credit card when the Board deems such use necessary or convenient, irrespective of who the Credit Card Holder is.
9. Subject to the discretion of and the approval of the Board, credit cards may be used for eligible goods and services that constitute a proper public purpose, including but not limited to:
  - a. Transportation reservations and expenses.
  - b. Conference registrations.
  - c. Hotel reservation guarantees and expenses.
  - d. If monies are budgeted and deposited with the Business Manager in advance, credit cards may be used by employees for student trips and competitions for safety and security reasons.
  - e. Reasonable real expenses, including a maximum gratuity of twenty percent (20%), but excluding alcoholic beverages, since the purchase of such beverages clearly fails to serve a valid and proper public purpose.
  - f. Purchases from vendors who do not accept purchase orders or vouchers, with prior approval from the Treasurer
  - g. Other purchases approved by the Board on a case-by-case basis.

## Maritime Academy Governing Board Policies

10. Credit cards shall not be used for personal purchases or expenditures not allowed under this guideline. In particular, credit cards shall not be used for expenses that are not incurred in connection with Board-approved or School-related activities, are not for the benefit of the School, and do not serve a valid and proper public purpose. Use of credit cards in an unauthorized or illegal manner may result in referral for criminal prosecution, revocation of credit card privileges, disciplinary action and/or, where appropriate, may require the user to pay any and all inappropriate charges, including finance charges and interest assessed in connection with the purchase.
11. The Board shall establish limits on the total dollar amount that an employee may incur as a part of any individual transaction based on a good faith estimate of the purchase or expense. If the designated fiscal officer is the Credit Card Holder, the fiscal officer shall establish limits on the total dollar amount that an employee may incur as a part of any individual transaction based on a good faith estimate of the purchase or expense, which shall be approved and/or ratified by the Board. The use of a credit card for expenses beyond those authorized or ratified by the Board constitutes misuse of a credit card account.

Employees requiring the use of a School credit card shall request in writing such card from the designated fiscal officer if he or she is the Credit Card Holder, which shall include a signed statement that the requesting employee has read this policy, and understands and agrees to abide by its terms. If the Superintendent is the Credit Card Holder and compliance officer, the employee must receive permission from the Board in order to use any School credit card. The Credit Card Holder shall also utilize a system to sign-in and out credit cards to authorized users in order to account for a card's location.

12. The School is a nonprofit instrumentality of the State of Ohio. Tax exemption forms shall be utilized and are available in the Business Manager's office.
13. Upon receipt of a School credit card, employees shall:
  - a. Inform merchants that the purchase is for "Official School Business" and is not subject to State or local sales tax. However, if the merchant fails to waive the tax, the employee shall pay it. For large purchases where the merchant refuses to waive the tax, the employee shall present a tax exemption form.
  - b. Maintain credit cards in a secure fashion and prevent unauthorized charges to the account.
  - c. Maintain sufficient documentation of all purchases, including, but not limited to, charge receipts, original cash register slip or other detailed receipt, and invoices.
  - d. Provide documentation of all purchases to the Credit Card Holder in a timely manner to ensure prompt payment.
  - e. Immediately notify his or her immediate supervisor, the Credit Card Holder, and the Board if the card is lost or stolen. It shall be the responsibility of the Business Manager to report any lost or stolen credit card to the relevant issuer and credit agencies. In the event that a credit card is lost or stolen, the Credit Card Holder shall immediately request that the issuer place a "stop" or "hold" on the account to prevent fraudulent use of the card.
  - f. After use, School credit cards are to be returned to the Credit Card Holder, along with appropriate itemized receipt copies of all charges. If the Superintendent is the designated credit card compliance officer, the Business Manager shall review all itemized receipts and submit copies to the School's fiscal officer or his or her designee.

## Maritime Academy Governing Board Policies

- g. Upon receipt of the appropriate documentation, credit card expenditures will be paid.
  - h. The Credit Card Holder will monitor the credit card account(s) and reconcile all credit card accounts on a monthly basis. A report will be a part of the monthly Cash Activity Report reported to the Board, and if the Business Manager is the Credit Card Holder, the Board shall sign a monthly attestation indicating that it has reviewed the account transaction details.
  - i. At least quarterly, the Board and the Credit Card Holder shall review the number of credit card accounts and the number of active credit cards in use, and each credit card's respectively expiration date and credit limit.
  - j. If the employee is terminated or resigns, he or she must return any credit card in his or her possession immediately and shall remain responsible for any inappropriate use.
14. Failure to turn in receipts and appropriate forms to the Credit Card Holder within five (5) business days may result in the charges being deemed unrelated or unsubstantiated. This amount will then be charged back to the user.
15. Credit Cards shall never be used for any cash withdrawal transactions or advances from a financial transaction device or automated teller machine ("ATM"), or to obtain any cash back on a credit card transaction.
16. The designated fiscal officer shall annually report to the Board any rewards received by the School based on the School's use of the credit card.

*R.C. 3314.52.*

## **148.7 Staff Reimbursement**

Expenses which are incurred by professional staff members as a result of authorized travel for the School will be reimbursed to the extent provided for in these guidelines. Reimbursement is intended to provide for transportation, lodging, and food of reasonable and adequate quality. When traveling on School business, a professional Staff member is expected to use the same care in incurring expenses that a prudent person would exercise if traveling on personal business, and reasonable efforts will be made to reimburse actual expenses. Excessive costs, such as those caused by circuitous routes or luxury services or accommodations, will not be considered prudent, nor will they be accepted for reimbursement. No charges for alcoholic drinks will be reimbursed. Rental cars must be economy rentals unless approved in advance by the Treasurer as otherwise necessary or prudent.

Authorization and Procedure: When travel is expected, a requisition form should be completed and approved by the Superintendent at least ten (10) days prior to the date a decision is needed. This request should detail all estimated expenditures.

Reimbursement: Reimbursement will be at the current approved IRS rate if driving on School business. If transporting students to competition or trips, Staff volunteers will be reimbursed actual expenses, documented by receipt, or at the IRS Approved Charitable Rate.

A Travel Reimbursement Form must be completed and signed by a supervisor. All claims must be supported by original receipted bills. Reimbursement for reasonable charges for tolls and parking will be made upon presentation of supporting receipts.

Other Reimbursement: Staff must follow all rules concerning purchasing and School credit card use. If Staff otherwise personally advances money on behalf of the School, it does so completely at its own risk of non-reimbursement, provided however, the Board is authorized to reimburse such advances only if it finds that the expenditure was made without adequate opportunity for prior approval, or was an emergency and advanced as a necessity, for the benefit of the School. All reimbursements must be supported by detailed receipts.

Staff cannot be reimbursed for any expense if the Staff member received a benefit through a rewards program for that expense. Rewards programs allow users to earn rewards based on how much money they spend. Examples of rewards programs include, but are not limited to, frequent flier miles, grocery store loyalty card programs, and hotel free night programs. This prohibition includes rewards programs tied to credit cards and loyalty customer cards.

Staff Relocation: Relocation costs that are incident to the permanent change of duty assignment of an existing employee or new recruit for an indefinite period or a stated period of not fewer than 12 months, may be allowable to the extent that such costs:

- Are caused by a move that is for the benefit of the employer;
- The amount reimbursed does not exceed the employee's actual or reasonably estimated expense;
- The costs are for allowable expenses, including:
  - The cost of transportation of the employee and his or her immediate family and household and personal effects;
  - The cost of finding a new home, including up to 30 days of temporary lodging and/or advanced trips;



## Maritime Academy Governing Board Policies

- Closing costs incidental to the disposition of the employee's former home (unless the employee resigns for reasons within the employee's control within 12 months after hire);
- Up to 6 months of continuation costs related to the vacancy of the former home after the settlement or lease of the employee's new permanent home (e.g., home and grounds maintenance, utilities, taxes, and property insurance) (unless the employee resigns for reasons within the employee's control within 12 months after hire); and
- Other necessary and reasonable expenses normally incident to relation home (unless the employee resigns for reasons within the employee's control within 12 months after hire).

Relocation costs do not include:

- Fees and other costs associated with acquiring a new home;
- A loss on the sale of a former home;
- Continuing mortgage principle and interest payments on a home being sold; and
- Income taxes paid by an employee related to reimbursed relocation costs.

*Ohio Ethics Comm. Advisory Opinion No. 91-010; 2 C.F.R. 200.464.*

See also Policies 395 Purchasing Policies and 395.1 Purchase of Supplies and Materials, Equipment.

## Maritime Academy Governing Board Policies

Expenses which are incurred by professional staff members as a result of authorized travel for the School will be reimbursed to the extent provided for in these guidelines. Reimbursement is intended to provide for transportation, lodging, and food of reasonable and adequate quality. When traveling on School business, a professional Staff member is expected to use the same care in incurring expenses that a prudent person would exercise if traveling on personal business, and reasonable efforts will be made to reimburse actual expenses. Excessive costs, such as those caused by circuitous routes or luxury services or accommodations, will not be considered prudent, nor will they be accepted for reimbursement. No charges for alcoholic drinks will be reimbursed. Rental cars must be economy rentals unless approved in advance by the Treasurer as otherwise necessary or prudent.

Authorization and Procedure: When travel is expected, a requisition form should be completed and approved by the Superintendent at least ten (10) days prior to the date a decision is needed. This request should detail all estimated expenditures.

Reimbursement: Reimbursement will be at the current approved IRS rate if driving on School business. If transporting students to competition or trips, Staff volunteers will be reimbursed actual expenses, documented by receipt, or at the IRS Approved Charitable Rate.

A Travel Reimbursement Form must be completed and signed by a supervisor. All claims must be supported by original receipted bills. Reimbursement for reasonable charges for tolls and parking will be made upon presentation of supporting receipts.

Other Reimbursement: Staff must follow all rules concerning purchasing and School credit card use. If Staff otherwise personally advances money on behalf of the School, it does so completely at its own risk of non-reimbursement, provided however, the Board is authorized to reimburse such advances only if it finds that the expenditure was made without adequate opportunity for prior approval, or was an emergency and advanced as a necessity, for the benefit of the School. All reimbursements must be supported by detailed receipts.

Staff cannot be reimbursed for any expense if the Staff member received a benefit through a rewards program for that expense. Rewards programs allow users to earn rewards based on how much money they spend. Examples of rewards programs include, but are not limited to, frequent flier miles, grocery store loyalty card programs, and hotel free night programs. This prohibition includes rewards programs tied to credit cards and loyalty customer cards.

Staff Relocation: Relocation costs that are incident to the permanent change of duty assignment of an existing employee or new recruit for an indefinite period or a stated period of not fewer than 12 months, may be allowable to the extent that such costs:

- Are caused by a move that is for the benefit of the employer;
- The amount reimbursed does not exceed the employee's actual or reasonably estimated expense;
- The costs are for allowable expenses, including:
  - The cost of transportation of the employee and his or her immediate family and household and personal effects;
  - The cost of finding a new home, including up to 30 days of temporary lodging and/or advanced trips;

## Maritime Academy Governing Board Policies

- Closing costs incidental to the disposition of the employee's former home (unless the employee resigns for reasons within the employee's control within 12 months after hire);
- Up to 6 months of continuation costs related to the vacancy of the former home after the settlement or lease of the employee's new permanent home (e.g., home and grounds maintenance, utilities, taxes, and property insurance) (unless the employee resigns for reasons within the employee's control within 12 months after hire); and
- Other necessary and reasonable expenses normally incident to relation home (unless the employee resigns for reasons within the employee's control within 12 months after hire).

Relocation costs do not include:

- Fees and other costs associated with acquiring a new home;
- A loss on the sale of a former home;
- Continuing mortgage principle and interest payments on a home being sold; and
- Income taxes paid by an employee related to reimbursed relocation costs.

*Ohio Ethics Comm. Advisory Opinion No. 91-010; 2 C.F.R. 200.464.*

See also Policies 395 Purchasing Policies and 395.1 Purchase of Supplies and Materials, Equipment.

## **148.8 Federal Grants Procurement, Monitoring, and Administration**

In addition to the applicable policies set forth elsewhere in this manual, the following policies shall apply when the School expends federal grant funds to purchase property or obtain services, including but not limited to, purchases made under the School food service and nutrition programs.

- A. Competition. To the extent required by law, the School shall use procurement methods that provide for full, free, and open competition and comply with the federal procurement regulations. If the School solicits bids or competitive proposals to secure property or services, the School shall award the contract to the party whose bid or proposal, after considering all appropriate facts, is most advantageous to the School.

The School shall exclude from competition for procurements any contractor that develops or drafts specifications, requirements, statements of work, or invitations for bids or requests for proposals.

Unless allowed by law, the School shall not use statutorily or administratively imposed State, local, or tribal geographical preferences in the evaluation of bids or proposals.

- B. Code of Conduct. No employee, officer, or agent of the School shall participate in selecting, awarding, or administering a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. A conflict arises when the employee, officer, or agent, a member of his/her family, his/her partner, or the employer or prospective employer of any of the above-mentioned individuals has a financial or other interest or a tangible personal benefit from the company selected to be awarded the procurement contract.

No employee, officer, or agent of the School may solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. Any gratuities, favors, or anything of monetary value includes money and every other thing of value, meaning having more than a de minimis or nominal worth.

All employees, officers, or agents of the School must disclose in writing any potential conflicts of interest, whether real or apparent, to the School prior to participation in the selection, award, or administration of a contract supported by a federal award.

The School shall not conduct any procurement action involving a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, if the School would be unable or appear to be unable to be impartial in that procurement action.

Any employee, officer, or agent of the School found to have violated this Code of Conduct or any other applicable ethics laws or regulations will be immediately excluded from further participation in the selection, award, or administration of the contract supported by a federal award and may be subject to disciplinary actions, up to and including termination. The School shall promptly report any violation of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting a federal award to the awarding federal agency and specify any corrective action taken by the School.

Nothing in this policy shall be read to alter the obligations and restrictions on public officials pursuant to Ohio Revised Code Chapters 3314 and 102, and Section 2921.42-.44 as applicable to community schools.

C. Procurement Procedures. To the extent required by law:

1. The School shall review any proposed procurement to avoid purchasing unnecessary property or services. The School shall avoid purchasing duplicative items.
2. Before acquiring an item, the School shall compare the advantages of leasing and purchasing property, purchasing surplus property, or sharing services where permitted by law in order to determine the most economical approach. The School shall also consider consolidation or breaking out procurements to obtain more economical purchases.
3. Prior to accepting bids or proposals, the School shall make independent estimates of cost and price. The School shall conduct a cost or price analysis in connection with every procurement transaction and procurement contract modification, including those over the Simplified Acquisition Threshold. This shall include making independent estimates before receiving bids or proposals.
4. The School shall ensure that its solicitations for goods and services contain clear and accurate descriptions and technical requirements of the goods and services sought, all factors to be used in evaluating bids or proposals, and provide any other information required under the applicable federal regulations. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The School shall not require brand name products unless the brand name is specified as a means to define the performance or other salient requirements of procurement.
5. The School shall attempt to ensure that the parties with which it contracts are responsible and capable of fulfilling the terms and conditions of the contract. The School shall give consideration to the contractor's integrity, compliance with public policy, record of past performance, and financial and technical resources.
6. The School shall only use time and material type contracts after a determination that no other contract is suitable and, if a contract includes a ceiling price, the contract must specify that the contractor exceeds the ceiling at its own risk.
7. The School shall create and maintain records that document the procurement process that the School followed in each procurement transaction, including the rationale for utilizing the selected procurement method, the selection of contract type, the basis for awarding or rejecting the contract, the justification for lack of competition if competitive bids or proposals are not sought, and the basis for the award cost or price.
8. The School shall make its procurement records available for review upon request by the awarding federal agency or pass-through entity.
9. Before deciding to use grant funds to host or attend a meeting or conference, the School shall ensure that the meeting or conference is (a) consistent with the School's approved grant application, (b) necessary to achieve the goals and objectives of the grant, and (c) for purposes of disseminating technical information, and (d) that the School has used only the grant funds necessary to accomplish legitimate meeting and conference business.
10. Whenever practicable, the School shall utilize lower cost alternatives in lieu of attending meetings or conferences.
11. When issuing statements, press releases, requests for proposals, bid solicitations, and other documents relating to the use of federal grant funds for procurement purposes, the School

shall state the percentage of the total cost funded by federal money, the dollar amount of federal funds available for the project or program, and the percentage and dollar amount of the total cost of the project or program financed by non-governmental sources.

12. The School shall comply with the Buy American provision in 7 CFR Parts 210 and 220 for all solicitations and contracts that involve the purchase of food. The School must ensure that such solicitation and contract language includes the requirement for domestic agricultural commodities and products to the maximum extent practicable, and must retain records documenting any exceptions. The School will include a requirement for certifying the domestic percentage of the agricultural food component of commodities and products, and will monitor contractor compliance.
  13. The Principal and Treasurer, working in conjunction, or their designee shall be responsible for determining a relevant dollar threshold; crafting all solicitations, which shall include “Buy American” provisions and small-business/minority-owned business/women enterprise language; determining the appropriate method of procurement; obtaining quotes, bids or proposals.
- D. Contract Provisions. Procurement contracts shall, at minimum, include the terms and conditions that are required by the applicable federal procurement regulations, including all necessary terms as required by the Trafficking Victims Protection Act of 2000 (TVPA). To the extent required by law, the School shall require that the person awarded a contract satisfy the bonding requirements set forth in the applicable federal regulations and shall comply with the TVPA and its corresponding regulations.
- E. Contract Administration. The School shall delegate to one or more school employee the responsibility for administering all procurement contracts and ensuring that the party awarded the contract satisfies the terms, conditions, and specifications of the procurement contract or purchase order.
- F. Small/Minority/Women Businesses. The School shall take affirmative steps to contract with small businesses, minority-owned firms, and women’s business enterprises when possible. The School shall also require a contractor, if it subcontracts, to take affirmative steps to contract with small businesses, minority-owned firms, and women’s business enterprises when possible.
- G. Dispute Resolution. Any issues related to the procurement contract and administrative procedures, including source evaluation, protests, disputes, and claims, will be resolved according to the following dispute resolution procedures, and the School will disclose information regarding the dispute to the appropriate federal officials. Any grievant must file a written complaint requesting an opportunity to be heard by the Governing Board or the Board’s designee. The Board or its designee will review any information presented and provide a written decision within a reasonable time. If the grievant is not satisfied with this decision, the matter shall be submitted to a qualified mediator for mediation. The parties will make every attempt to resolve such disputes through mediation and shall equally split all fees or costs of any third party mediator.

If the School suspects or determines that the contractor has likely violated local, state, or federal law, the School will refer the matter to the proper authority having jurisdiction over the matter.

H. Time and Materials Contracts. The School may use a contract whose cost to the School is the sum of the Actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit, but only:

1. After a determination that no other contract is suitable; and
2. If the contract includes a ceiling price that the contractor exceeds at its own risk.

I. Debarred, Suspended, or Ineligible Contractor. The School shall not award contract to parties that have been debarred, suspended, or otherwise excluded from or are ineligible for participation in Federal assistance programs and activities pursuant to the federal System for Award Management available at [www.sam.gov](http://www.sam.gov).

The school shall verify that the contracting party is not excluded or disqualified by checking the federal system for award management, collecting a certification from the contracting party, or adding a clause or condition to the covered transaction with the contracting party.

J. Federal Grant Administration. The School shall ensure that these procedures are followed with respect to all federal grant applications submitted by the School and all federal grants that are awarded to the School.

1. Monitoring Grant Applications. The School shall delegate to one or more persons the responsibility for monitoring all pending federal grant applications, and that person or persons shall provide the Board with a report on the status of all federal grant applications at each regularly scheduled Board meeting.
2. Monitoring Grant Expenditures. The School shall delegate to one or more persons the responsibility for monitoring federal grant expenditures, and that person or persons shall provide the Board with a report on the expenditures made from each federal grant at each regularly scheduled Board meeting.
3. Final Expenditure Reports. The School shall delegate to one or more persons the responsibility for reviewing all final expenditure reports for each federal grant that the School was awarded, reconciling the report(s) with the School's financial records, and ensuring that the final expenditure report for each federal grant is complete and accurate.
4. Maintenance of Procurement Records. The Treasurer or his or her designee shall be responsible for maintaining records sufficient to detail the history of all procurements, including small purchases. For example, solicitation documentation and responses, records of the evaluation process, records of the rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price, the contract and any amendments or modifications, and supporting documentation such as receipts or invoices.

*2 C.F.R. 200; 2 C.F.R. 175.15; 7 C.F.R. 210; 7 C.F.R. 220.*

See Appendix 148.8-A Methods of Procurement Using Federal Grant Funds, Appendix 148.8-B Procurement Procedure for Soliciting Small/ Minority/ Women Owned Businesses and Labor Surplus Firms, Appendix 148.8-C Child Nutrition Programs Procurement. See also Policy 114 Ethics and Conflicts Policy, Policy 148.2 Fixed Asset Policy/Title I and Federal Grant Assets Policy, Policy 149 Use of Cellular Telephones and Other Wireless Technologies, and Policy 205 Program Assessment.

#### **148.9 Investments**

It is the policy of the Board to invest public funds, gifts, donations, or other monetary assets in a manner that will provide the investment return with the maximum security, safety, and preservation of principal, while meeting any cash flow demands of the School. Investments shall be made with the judgment and care that a reasonable person of prudence would exercise in the management of his/her own affairs.

The fiscal officer, in consultation with the Finance Committee of the Board, if any, shall inform the Board of the degree of risk, potential and likely returns, and security and safety of an investment. If the investment is a gift or donation and is already invested in a particular manner, the fiscal officer and/or Finance Committee shall review the investment and report to the Board a recommendation as to whether to accept, re-invest, alter, sell, or otherwise manage the investment. The fiscal officer shall inform the Finance Committee and the Board in a timely manner about any adverse development in an investment.

The fiscal officer is the investment officer of the School and is charged with the responsibility for the purchase and sale of investments and the carrying out of this investment policy. Acting in accordance with this policy and adherence to the prudent personal standard expressed in this policy shall relieve the fiscal officer of personal responsibility.



## **148.10 Cost Principles and Financial Management for Use of Federal Funds**

Federal grant awards will be administered efficiently and effectively through the application of sound management practices consistent with federal, state, and local laws, including the federal Uniform Grant Guidance, and any underlying grant agreements.

### **Financial Management**

Grant funds must be managed in compliance with all applicable federal, state and local laws and rules as well as the terms of any federal grant award.

The School shall do all of the following:

1. Identify in its accounts all federal award funds received and expended and shall specify the federal program under which those awards were received. Whenever applicable information is available, accounts must include the Catalog of Federal Domestic Assistance (“CFDA”) title and number, the federal award identification number and year, the name of the awarding federal agency, and the name of the pass-through entity.
2. Make accurate, current and complete disclosures of the financial results of each federal grant award as required by the terms the award.
3. Maintain records that adequately identify the source and application of funds used for federally funded activities. Records must contain information about the awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and shall be supported by source documentation.
4. Exercise control over and accountability for all funds, property and other assets purchased with federal funds. All assets shall be safeguarded and the School shall assure that they are used only for authorized purposes.
5. Regularly compare expenditures with budget amounts for each federal award.

### **Cost Principles**

All costs must conform to any limitations or exclusions set forth in the federal award. Costs must be accorded consistent treatment. The School shall only assign a cost to a federal award as a direct cost when no other cost incurred for the same purpose in like circumstances has been allocated as an indirect cost. Costs shall not be included to meet cost sharing or matching requirements of any other federally-financed program in either the current or a prior period.

Costs shall be determined in accordance with generally accepted accounting principles (“GAAP”) and shall be consistent with policies and procedures that apply uniformly to both federally-financed and non-federally financed activities.

All costs must be adequately documented and shall be necessary, reasonable and allocable to the performance and administration of the relevant federal award. A cost must be allocable to a particular federal award or other cost objective if the goods or services in accordance with relative benefits received.

Costs must be reasonable in both the nature and amount. The following shall be considered when to determine if a cost is reasonable:

## Maritime Academy Governing Board Policies

1. Whether the cost is a type recognized as ordinary and necessary for the School's operation or for the proper and efficient performance of the federal award;
2. Applicable restraints imposed on the cost, including sound business practices, arm's-length bargaining, relevant federal and state laws and rules, and terms and conditions of the awards;
3. Market prices for comparable goods and services for the geographical area;
4. Whether individuals authorizing the cost acted prudently when considering the costs; and
5. Whether the cost amounts to a significant deviation from established School practices that may unjustifiably increase costs.

### **Payments**

Methods of payments utilized by the School must minimize the time elapsing between the transfers of funds to and from vendors. Any funds drawn in advance must be as close in time to the actual related expenditure as feasible.

### **Compensation**

Employee or contractor compensation, including wages, salaries and fringe benefits, shall be permitted to the extent that:

1. The rate of compensation is reasonably consistent with (a) compensation paid for similar work in other activities by School employees or contractors, if any, or (b) compensation for similar work in the labor market; and
2. Compensation is supported by records that accurately reflect the work performed.

The School shall comply with all requirements to document the time and effort of personnel whose compensation is funded in whole or in part using federal grant funds. Reports must provide reasonable assurances that personnel charges are accurate, allowable and properly allocated. Time and effort reports shall be maintained by the School and shall comply with the School's established accounting practices.

Travel payment and reimbursement provided from federal funds must include documentation that demonstrates that the participation of the individual is necessary to the federal award and the costs are reasonable and consistent with the School's policies.

*Uniform Grant Guidance, 2 C.F.R. 200 et seq.; 2 C.F.R. 200.302; 2 C.F.R. 200.305; 2 C.F.R. 200.430; 2 C.F.R. 200.431.*

See also **Policy 148.2 Fixed Asset Policy/ Title I and Federal Grant Asset Policy** and **Policy 148.8 Federal Grants Procurement, Monitoring, and Administration.**

**148.11 Crowdfunding**

All crowd-funding campaigns shall be reviewed and pre-approved by the Principal or his/her designee.

The Principal or his/her designee shall ensure that the proposed crowdfunding campaign does not violate any federal or state law, including those governing the confidentiality of student information, and that the campaign seeks donations that comport with the School's education philosophy, needs, and technical infrastructure.

School employees must use a 501(c)(3) nonprofit crowdfunding service and donations must be sent directly to the School.

No donations will be accepted without the approval of the Board. All crowdfunding campaigns shall be through a School account. Any and all crowdfunding donations are the property of the School, which shall be entered promptly into the school property inventory or deposited in School bank accounts, and used exclusively for the stated purpose of the crowdfunding campaign. The Principal or his/her designee shall determine if the crowdfunding service obligates the School to assume any responsibility to file government-required reports of charitable activities, and if so, shall ensure such government-required reports are filed.

## **149 Use of Cellular Telephones and Other Wireless Technologies**

The Board recognizes that the use of cellular telephones and other wireless devices (*i.e.*, smartphones, Blackberries, tablets, wifi- or cellular data-enabled devices, broadband access devices, pagers/beepers, personal digital assistants (PDAs or Palm Pilots), mobile “hotspots,” etc.) (“Wireless Communication Devices,” “Device,” or “Devices”) have become routine in daily life. Wireless Communication Devices may also serve to support the efficient and effective operations of the School. All administrators, teachers, and staff shall be permitted to possess personally-owned Wireless Communication Devices at the School at their own expense.

Due to the nature of some positions and job duties of certain employees, the Board may determine that possession and use of a Device by select employees is essential to the proper functioning of the School. Where the Board finds that an employee’s possession and use of a Device is necessary, the Board may either: (1) provide the employee with a Board-owned Device for the employee’s work-related use, or (2) provide the employee with a monthly allowance of up to a set dollar amount, as established by the Board, to be used for expenses related to the possession and use of a personally-owned Device.

### Board-Owned Wireless Communication Devices

Devices provided by the Board are intended to be tools for conducting School business and enhancing business efficiencies. Use of Board-owned Devices is not intended to give a personal benefit to any employee. Employees shall not use Board-owned Devices as their primary means to make phone calls, send text messages or emails, or otherwise communicate, unless the use of the Device constitutes the most cost-effective means to conduct School business. When a less costly alternative method of communication is safe, convenient, and readily available, the employee shall utilize that method of communication.

The Principal shall regularly ensure the following:

- A. The need for each Board-owned Device and corresponding service account is clearly justified for School business purposes;
- B. Alternative solutions for work production and communication have been considered;
- C. Employees provided with Devices and service understand the purpose and limitations of usage;
- D. Wireless Communication Device service account invoices outlining the details of usage are received and reviewed for conformance with this policy;
- E. Employees reimburse the Board for non-business use of Board-owned Devices; and
- F. Use of a Board-owned Device service account is terminated when no longer justified by business requirements, when the Employee leaves employment, and/or when the Employee has demonstrated a disregard for School policies.

Board-owned Wireless Communication Devices may be used for the following:

- A. To make phone calls, send text messages or emails, or otherwise communicate in emergency situations; and
- B. To place calls, send text messages or emails, or otherwise communicate with the administration, other employees, or parents concerning classroom or school-based activities.

Wireless Communication Device service accounts are expected to be set at the minimum service

level that fulfills the business needs for the position in question. If the cellular telephone contract is based on minutes used, a minimal plan shall be utilized. In other words, the smallest plan available to accommodate the particular business need shall be utilized. If the Device is wifi- or cellular data-enabled or is a broadband access device, the contract that is selected for an employee should provide for only the necessary amount of cellular data or broadband access as is necessary to meet business needs. The Wireless Communication Device contract that is selected for an employee should be the one that provides a combination of services, including but not limited to the number of minutes/ talk time, cellular coverage, and local call zone most nearly matching the employee's recurring business needs.

Possessing a Board-owned Device is a privilege and all employees are expected to use the devices appropriately and responsibly. Employees are responsible for managing the cost-effectiveness of Devices by utilizing assigned landlines, accessing wifi, and using desktop hardware where such secure, appropriate, and available alternatives exist. Employees should be aware that excessive use of Devices capable of using cellular data or accessing broadband services may result in overage charges and temporary suspension of the use of cellular data or broadband service.

Employees must safeguard any Board-owned Device in their possession. Reasonable precautions should be made to prevent equipment loss, damage, theft, and vandalism. The Board reserves the right to audit all Board-owned Devices and their use. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the Device for return or inspection. Employees unable to present the equipment in good working condition within the time period requested (e.g., twenty-four (24) hours) may be expected to bear the cost of a replacement device. Staff who leave employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

#### Personally-Owned Wireless Communication Devices Reimbursed by the School

The Board may elect to reimburse the Principal or other designated employees for additional charges incurred as a result of the use of a personal Device for the purpose of conducting School business. Employees designated for reimbursement shall provide the Principal with their cellular telephone numbers, if the reimbursement is for costs associated with cellular telephone service, so that the employees may be contacted as the need arises.

Reimbursements received by employees may be considered additional compensation for income tax purposes. For individual determinations of tax liability, employees should speak with a personal tax advisor.

#### Responsible Use of Wireless Communication Devices

Except in the event of an emergency, use of Devices will not be permitted during periods of instruction or supervision of students, unless use of the Device is instrumental to the lesson. All Devices shall be kept on "silent" at all times during periods of instruction and supervision of Students, unless the employee is directed or permitted by the Principal or his/her designee to act otherwise. Employees may use personally-owned Devices for personal uses, such as to make personal calls, but use is limited to employee break periods and lunch period. It is the responsibility of employees to ensure that friends and family members are aware of the Board's policy.

Employees are expected to use discretion in using personal Devices while at work, and all calls, emails, text messages, or other communication made on School property, even personal communications, should be professional and appropriate for an educational environment.

## Maritime Academy Governing Board Policies

Safety is a priority of the Board, and responsible use of Devices includes safe use. Employees are discouraged from using Devices at all times while driving. Employees are prohibited from text messaging and emailing while driving any School owned or rented vehicle, any government owned vehicle, or while driving any privately owned vehicle when on official School business or when performing any work on behalf of the government or School. Staff should plan to make all calls, send text messages and emails, or engage in other communications either prior to traveling or while on rest breaks.

When a Device is equipped with an internal security mechanism, such as a “lock”, “passcode,” or “password” feature, employees must utilize such internal security mechanism to protect the contents of the Device from unauthorized access. Employees shall also be responsible for safeguarding personally-owned Devices and should be aware at all times of the location and accessibility of the Device to unauthorized users. Employees are responsible for any intrusion into an “unlocked” or unprotected Device.

Even when Devices are “locked,” the Devices and the data stored therein are not absolutely secure. Employees should use discretion in relaying confidential information, particularly confidential information relating to Students, through the use of Devices. Except in the event of an emergency, Employees shall not record, capture, or transmit any audio, video, or photographic images of any Student during School hours, on School grounds, or during a School-sponsored event, without the express permission and prior notice of the Student’s parent. Additionally, Employees should be aware that all recorded wireless communications, including emails, text messages, calls, or other communications made or received using a Device that serve to document the function of the School may constitute public records subject to inspection.

Devices containing a built-in camera or video recorder are prohibited from use in locker rooms, bathrooms, swimming pools, or other areas where it is reasonably anticipated that individuals may be in various stages of undress.

If deemed necessary, the Principal shall prepare the necessary administrative guidelines for the implementation of this policy. Violation of this policy or any adopted administrative guidelines may constitute just cause for disciplinary action up to and including termination.

**SECTION 150**

**ADMINISTRATION/PROGRAM/SCHOOL POLICIES**

**151                    Approval of Management by Management Company**

The Board is authorized to approve of independent management of the School and the term of any Management Company contract, if any.



**152                    Board/Principal/Management Company/Fiscal Officer Relationships**

The Governing Authority believes that it is the primary duty of the Board to establish, adopt, and/or review policy and that of the Principal to help establish and to administer such policy. The Management Company, if any, should recommend policies, and be given the latitude to determine the best method of implementing the policies of the Board.

The Principal, as the chief executive officer of the School, is the primary professional advisor to the Board. S/he is responsible for the development, supervision, and operation of each program and service. His/her methods should be made known to the Staff through the administrative guidelines or Policies of the School. The Board shall retain oversight of such policies.

The fiscal officer is the primary professional advisor to the Board on fiscal matters even if subcontracted for, or hired by or through an independent management company. The fiscal officer may or may not be an officer or Board member of the Corporation but shall have general supervision of all financial matters overseen by the Board.

**153                    Role of Management Company, if any**

The Board is responsible for determining the success of any Management Company hired by it, in meeting the goals established by the Board. The Board, in formulating its position with regard to the performance of the Management Company, shall rely, whenever possible, on the objective outcomes of its evaluations rather than on subjective opinions.

The Management Company, if any, shall strive to achieve Board goals for students by providing educational direction and supervision to the Staff and by acting as a proper model for Staff and students both in the School and outside the School.

The Management Company, if any, shall be directly responsible to the Governing Authority for the performance of all of the responsibilities outlined in any Management Contract.

**154                    Job Descriptions**

The Board directs the Principal or the Management Company, if any, to maintain continuously a comprehensive, coordinated set of job descriptions for Staff so as to promote effectiveness, efficiency, and economy in the operation of the School, and to coordinate its personnel policies with the Contract and School policies. No job description shall preclude the Board or Principal from adding or subtracting from such description at any time.

**155                    Mission Statement**

It is our mission at the Maritime Academy of Toledo to provide students with rigorous academic pathways, towards college and career, with a personalized learning experience.

**156 Vision Statement**

It is our vision at the Maritime Academy of Toledo to shape future leaders by developing strong character and innovative minds.

It is our mission at the Maritime Academy of Toledo to provide students with rigorous academic pathways, towards college and career, with a personalized learning experience.

**157 Insurance**

The Governing Authority shall purchase with School funds the type and amount of insurance necessary to protect the School from major financial losses.

Coverage shall include, but need not be limited to, the following:

- A. fire and extended coverage on buildings and contents;
- B. comprehensive bodily injury, property damage on automobiles, buses and trucks;
- C. special coverage for equipment not ordinarily covered under a standard policy, if applicable;
- D. employee insurance coverage as specified in the Charter Contract or by Board action;
- E. worker's compensation coverage;
- F. legal liability for Board members and officers; and
- G. that insurance required under the School's Contract.

The School Business Manager shall administer the insurance program.

**158 Curriculum Development**

The curriculum and educational program shall be developed, evaluated, and adopted on a continuing basis and in accordance with a plan for curriculum growth established by the Principal or his/her designee.

As educational leader, the Principal or his/her designee shall be responsible to the Board for the development and evaluation of curriculum.

For purposes of these Board Policies and for consistent communication throughout the School, curriculum shall be defined as all the planned activities of the School, including formal classroom instruction and out-of-class activity, both individual and group, necessary to accomplish the educational goals of the School and such curriculum is set out in the Contract with the Sponsor.

The Board directs that the curriculum of this School:

- A. provide instruction in courses required by the School's Charter Contract; and
- B. be consistent with the School's mission, philosophy and goals.

The Principal or his/her designee may conduct such innovative programs as are deemed desirable to the continuing growth of the instructional program and to better ensure accomplishment of the School's educational goals.

The Principal or his/her designee shall report each such innovative program to the Board along with its objectives, evaluative criteria, and costs, and, a recommendation as to any necessary changes in the Contract with the Sponsor.

The Board encourages, where it is feasible and in the best interest of the School, participation in programs of educational research.

The Board directs the Superintendent or his/her designee to pursue actively State and Federal aid in support of all School activities.

**159                    Development of School Policies**

The Board itself will formulate and adopt policies and may accept recommendations of the Superintendent. The Board delegates to the Superintendent or his/her designee the function of designing and implementing the guidelines, required actions, procedures, and detailed arrangements under which the School will operate. These administrative guidelines shall not be inconsistent with the Policies adopted by the Board, unless the law so requires.

The Superintendent or his/her designee may also issue such handbooks as s/he may consider necessary for the effective administration of the schools and distribute them to staff and students and/or their parents.

As long as the provisions of these administrative guidelines, procedures, or handbooks are not inconsistent with Board policies, or with federal or state law, they shall be binding upon all staff and students.

The Superintendent or his/her designee shall maintain a current organizational chart to which immediate reference can be made by the Board.



**SECTION 2:**  
**PROGRAM AND STUDENT POLICIES**

**SECTION 200**

**PROGRAM OPERATION**

**201                      Mission Statement**

It is our mission at the Maritime Academy of Toledo to provide students with rigorous academic pathways, towards college and career, with a personalized learning experience.

**202 Vision Statement**

It is our vision at the Maritime Academy of Toledo to shape future leaders by developing strong character and innovative minds.

## **203 Parent and Foster Caregiver Involvement**

The School recognizes that having Parents and foster caregivers of Students actively involved in Students' education promotes Student success in educational efforts. This involvement of Parents and foster caregivers is likely to bring about overall improvements in academic achievement and encourage positive Student behavior.

In order for our faculty and staff to effectively educate our children, we welcome our Parents and foster caregivers as partners. Parents and foster caregivers are strongly encouraged to participate in a variety of activities and forums that will support our Students academically and add to the vitality of our school.

Parents and foster caregivers will be expected to participate in regularly scheduled status reviews and to sign an agreement with the School confirming their commitment to the educational success of their child. A status review is a formally scheduled conversation between faculty and Parents/foster caregivers in order to discuss their Student's development and progress. Parents and foster caregivers will be required to confer with faculty about their child's social and academic achievement on a regular basis, as scheduled by the School on the School calendar. Parents should attend status reviews in order to receive written report cards. The School also encourages Parents to initiate conferences about their questions and concerns with the Principal or his/her designee and/or faculty members.

The School further encourages Parents and foster caregivers to do the following:

1. Engage in consistent and meaningful communication with the School, including active participation in any parent-teacher conferences/ status reviews;
2. Prioritize Student learning in both the School setting as well as at home;
3. Be aware of School policies, procedures and curriculum and contribute in order to promote the improvement of the School;
4. Participate in School activities where appropriate, including through efforts as a volunteer; and
5. Support and reinforce Student learning at home.

The School will make available information regarding the School's policies, procedures, programs, and curriculum in both in a format and language that is understandable to Parents and foster caregivers.

*R.C. 3313.472*

### **203.1 Parent and Family Engagement in Title I Programs**

In accordance with the requirements of Federal law, programs supported by Title I funds must be planned and implemented in meaningful consultation with Parents and family members (family) of the students being served. Accordingly, the School establishes this parent and family engagement policy, which will be reviewed and approved annually by the Board and distributed to family of children receiving Title I services. The School will address and strive to achieve the following:

- A. involve family in the development of the School's Title I plans and in the development of support and improvement plans, if necessary;
- B. provide coordination, technical assistance, and other support necessary to plan and implement effective family involvement activities;
- C. coordinate and integrate family engagement strategies, to the extent feasible and appropriate, with other federal, state, and local laws and programs;
- D. in consultation with family, annually evaluate the content and effectiveness of the parent and family engagement policy in improving the academic quality of schools, including:
  - 1. identifying barriers to greater family participation;
  - 2. identifying the needs of family to assist with the learning of their children;
  - 3. identifying strategies to support successful school and family interactions; and
  - 4. designing evidence-based strategies for more effective family involvement based on the findings of the annual evaluation, and revising the parent and family engagement policy, if necessary;
- E. provide opportunities for the informed participation of family who are English language learners, family with disabilities, and family of migratory children, including providing information and school reports in a format, and to the extent practicable, in a language such family can understand;
- F. conduct meetings with family including provisions for flexible scheduling and assistance to family to better assure their attendance at meetings;
- G. develop agendas for family meetings to include review and explanation of the curriculum, means of assessments, and the proficiency levels students are expected to achieve and maintain;
- H. communicate information concerning school performance profiles and their child's individual performance to family;
- I. assist family in helping their children in achieving the objectives of the program by such means as ensuring regular attendance, monitoring television-watching, providing adequate time and the proper environment for homework; guiding nutritional and health practices, and the like;
- J. provide timely responses to family questions, concerns, and recommendations;
- K. conduct other activities as appropriate to the Title I plan and state and federal requirements.
- L. convene an annual meeting at a convenient time to which all family of participating children are invited and encouraged to attend to explain the parents' rights to be involved and the school's obligations to develop a parent and family engagement plan. The School-Family Compact will be given to parents prior to school opening. It describes how the

staff, family, and students will share the responsibility for improving student achievement. See **Appendix 203.1-A**;

- M. provide materials and training to help family work with students to improve achievement;
- N. educate teachers, specialized instructional support personnel, school leaders, and other staff, with the assistance of family, about the value and utility of contributions of family, how to reach out to, communicate with, and work with family as equal partners, how to implement and coordinate family programs, and how to build ties between families and the school;
- O. consider training family to enhance the involvement of other families;
- P. consider establishing a family advisory council to provide advice on all matters related to family engagement programs; and
- Q. develop appropriate roles for community-based organizations and businesses in family engagement involvement activities.

The School shall reserve at least one percent of its Title I funds to carry out the activities described in this section, unless one percent constitutes less than \$5,000.00, in which case the School is not required to reserve a specific amount.

*20 U.S.C. 6318 et seq.*

**203.2 Title I and Parent's Right to Know**

In accordance with the requirement of Federal law, if the School receives Title I funds the School shall notify all parents that they may request, and the School will provide in a timely manner, the following information on the student's classroom teachers:

- A. whether the teacher(s) have met the State requirements for certification or licensure for the grade levels and subject areas in which they teach;
- B. whether the teacher(s) is teaching under any emergency or provisional status through which the State requirements have been waived;
- C. whether the teacher(s) is teaching in the field of discipline of their certification; and
- D. whether any paraprofessionals are providing services to their child(ren) and the qualifications of those paraprofessionals, where applicable.

In addition, the parents shall be provided:

- A. information on the level of achievement and academic growth of their child(ren), if applicable and available, on the required State academic assessments; and
- B. timely notice if the student is assigned to, or has been taught for more than four (4) consecutive weeks by, a teacher who does not meet applicable State requirements at the grade level and subject area in which the teacher has been assigned.

Testing Transparency

If the School receives Title I funds, the School shall notify all parents of students that they may request, and the School will provide in a timely manner, information about the School's policy regarding student participation in any required assessments, including the School's policy and/or procedure for the parent to opt the child out of such assessment, where applicable and permitted by federal and state law.

The School shall make publicly available information about all State-required assessments and, if such information is available and feasible to report, any assessments required by the School, for each grade served. Such information shall be posted in a clear and easily accessible location on the School's website or, if the School does not operate a website, the School shall post the information in a clear and easily accessible location in the building. Information about assessments shall include:

- A. the subject matter assessed;
- B. the purpose for which the assessment is designed and used;
- C. the source of the requirement; and
- D. if available, the amount of time students will spend taking the assessment, the schedule for the assessment, and the time and format for disseminating results.

The notices and information shall be provided in an understandable and uniform format, and to the extent practicable, in a language the parent(s) understand.



## Maritime Academy Governing Board Policies

See Appendix 203.2-A Parent's Right-to-Know Letter and Appendix 203.2-B Letter to Parent Regarding Instruction Provided by Teacher that Does Not Meet State Qualification Requirements. See also Policy 204.11 Assistance to English Language Learners and Immigrant Students and Policy 241.1 R.C. 3314.041 Notice

**203.3 Parental Involvement – Use of Evidence-Based Research**

The School will use evidence-based research to provide the parents of its students with meaningful opportunities to participate effectively in their children's education to foster their children's achievement. The School will use evidence-based research to lower the barriers to the parents' participation in school planning, review, and improvement.

*20 U.S.C. 6318*

#### **203.4 Parental Review of Instructional Materials**

The School shall make available for review by parents, upon a reasonable request, any instructional material used as part of the educational curriculum for students. “Instructional material” means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic format or digital formats (such as materials accessible through the internet). The term does not include academic tests or academic assessments.

*20 U.S.C. 1232h.*

### **203.5 Parental Consultation Regarding Physical Exams**

The School shall notify parents or students who are at least eighteen (18) years of age or emancipated minors (“eligible students”) at least annually of the projected or approximate dates of any non-emergency, invasive physical exam that is required as a condition of attendance, administered by the school and scheduled in advance and not necessary to protect the immediate health and safety of the student, or of other students. “Invasive physical exam” means any medical examination that involves exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening. This section does not apply to any physical exam or screening that is permitted or required by state law. Parents or eligible students shall have the right to opt out of participation in any physical exams covered by this section.

*20 U.S.C. 1232h.*

**204                    Program Accountability**

The School is accountable to its Sponsor to deliver the curriculum set out in its Contract. In order to assist in achieving its goals and fulfill its mission, the Principal or his/her designee shall report to the Board the School's progress in every area of curriculum of the School.

**204.1 Policy Regarding High Quality Education**

The School will make every reasonable effort to provide all children with a significant opportunity to receive a fair, equitable, and high quality education, and to close the educational gap between the School's high and low performing students.

*20 U.S.C. 6301*

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**204.4            Intentionally Left Blank**

**204.5 Compliance with State Academic Standards**

The School will make every reasonable effort to ensure that it uses high quality academic assessments, accountability systems, and teacher preparation and training, and ensure that the foregoing and the school's curriculum and instructional materials are aligned with applicable academic standards. The School will enable all interested parties, including students, parents, teachers, and administrators, to measure this school's progress in meeting its goals for student academic achievement.

The School will make every reasonable effort to use assessments to improve and strengthen accountability, teaching, and learning to ensure that its students are meeting the applicable academic standards.

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**204.7 Teacher and Paraprofessional Qualifications**

The School will hire teachers and paraprofessionals who meet the applicable state qualification requirements, including any requirements for alternative routes to certification.

The School will hire special education teachers who have obtained full state certification as a special education teacher or have passed the state special education teacher licensing examination, and who hold a license to teach in the State as a special education teacher. All special education teachers employed by the School must hold at least a bachelor's degree. Related services personnel and paraprofessionals providing special education or related services must have qualifications that are consistent with state qualification, registration, or other comparable requirements that apply to the area in which those personnel are providing special education and related services.

These policies are subject to the regulations, guidance, extensions, or rules adopted by appropriate governmental authorities.

*20 U.S.C. 1412(a)(14); 20 U.S.C. 6311(g)(2)(J); R.C. 3314.03(a)(10)*

## **204.8 Migrant Students**

In order to obtain funding under Title I, Part C, federal law mandates that the School adopt comprehensive educational programs for its migrant students during the school year and, as applicable, during the summer or intersession periods, to address the unique educational needs of migrant children.

The School will ensure that its migrant students are provided with the opportunity to meet the state's academic achievement standards.

The School will help its migrant students overcome educational disruption, cultural and language barriers, social isolation, health-related problems, and other factors that inhibit their ability to learn and to succeed in school.

*20 U.S.C. 6391(1), (3)-(4)*

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#### **204.11 Assistance to English Language Learners and Immigrant Students**

If the School receives Title I or Title III funds to provide a language instruction educational program, then not later than thirty (30) days after the beginning of the school year, the School shall notify Parents of English language learners (“ELL”) who are participating in or identified to participate in such a program of the following:

- A. the reasons for the child’s identification as an ELL in need of placement in a language instruction educational program;
- B. the child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement;
- C. the methods of instruction used in the program or in other programs available to the child, including how those programs differ in content, instructional goals, and the use of English and a native language in instruction;
- D. how the program will meet the educational strengths and needs of their child;
- E. how the program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation;
- F. the specific exit requirements for the program, including the expected rate of transition from the program into non-ELL classrooms, and the expected rate of graduation from high school (including four-year and extended-year adjusted cohort graduation rates for such program) if Title I or Title III funds are used for high school students;
- G. in the case of a child with a disability, how the program meets the objectives of the child’s individualized education program;
- H. information about the parent’s rights to remove their child immediately from the program upon request, to decline to enroll their child in the program or to choose another program or method of instruction, if available, and to select from among various programs and methods of instruction with the assistance of the School, if multiple programs or methods are offered by the School.

If the School identifies a student as an ELL during the school year, the School shall provide the above-listed notifications to the parents within two weeks of placing the child in a language instruction educational program. A student shall not be admitted to or excluded from any such program or other federally funded program on the basis of surname or language-minority status.

Each School receiving Title I funds shall implement an effective means of outreach to parents of ELLs to inform the parents how they can be involved in the education of their children and be active participants in assisting their children to attain English proficiency, achieve at high levels within a well-rounded education, and meet the challenging State academic standards expected of all students. Such outreach must include holding, and sending notice of opportunities for, regular meetings for the purpose of developing and responding to recommendations from parents of students assisted under Title I or Title III.

All required notices and information shall be provided in an understandable and uniform format and, to the extent practicable, in a language the parent understands.

In order to obtain funding under Title III, federal law mandates that the School improve the education of its ELL and immigrant students by assisting the children to learn English and meet the state’s academic standards. The School will use effective approaches and methodologies for teaching ELL and immigrant students.



## Maritime Academy Governing Board Policies

The School shall implement an ELL plan to ensure that its programs are serving ELL students effectively. The ELL plan shall set forth affirmative steps that the School will take to rectify the language deficiency of its ELL students and to open its instructional program to these students. The steps shall include identifying and assessing students who need assistance; developing a program which, in the view of experts in the field, has a reasonable chance for success; ensuring that necessary staff, curricular materials, and facilities are in place and used properly; developing appropriate evaluation standards, including program exit criteria, for measuring the progress of students; and assessing the success of the program and modifying it where needed.

***In implementing its ELL plan, the School may refer to Appendix 204.11-A which contains guidelines issued by the Ohio Department of Education for the Identification and Assessment of Limited English Proficient Students. The School may also utilize the form, included therein, to identify students whose home/native language is not English, to assess their English language, and to assist with the placement of students in an appropriate educational program.***

The School shall comply with Title VI regulations that require a school to avoid discrimination on the basis of national origin in its programs and activities. To this end, the School shall provide any alternative language programs necessary to ensure that ELL students have meaningful access to the School's programs.

*20 U.S.C. 6312(e); 20 U.S.C. 6825(a); Title VI of the Civil Rights Act of 1964; Lau v. Nichols, 414 U.S. 563 (1974).*

See Appendix 204.11-A Guidelines for the Identification and Assessment of LEP Students.

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### **204.13 College Credit Plus – Advanced Standing Program**

**College Credit Plus.** The School recognizes the value to Students and to the School for participation in programs offered by accredited colleges and universities and shall offer high school Students (grades 9 through 12) and middle school Students (grades 7 through 8) opportunities to earn academy credit for both high school and college. “College Credit Plus” (the “Program”) enables Students to earn credit toward a degree from an institution of higher education while enrolled in high school.

High school Students (grades 9 through 12) and middle school Students (grades 7 through 8) may participate in the Program, so long as the student meets the following eligibility requirements:

1. Applies to a public or participating private college, or eligible out-of-state college participating in the Program, consistent with the college’s admissions procedures, and meet all college or program’s established standards for admission, enrollment, and course placement;
2. Is either:
  - a. remediation-free on one of the assessments in accordance with the most recent Uniform Statewide Standards for Remediation-Free Status; or
  - b. meets an alternative remediation-free eligibility option as defined by the Chancellor of Higher Education; or
  - c. if the student previously participated in the Program prior to September 30, 2021, the student scores within one standard error below the remediation-free threshold for one of the assessments in accordance with the most recent Uniform Statewide Standards for Remediation-Free Status;
3. Has a cumulative grade point average at the School of at least a 3.0, or its equivalent for students in middle school; and
4. Receives a recommendation from the Principal, or School Counselor or Career-Technical Program Advisor, if any.

A student determined by the School to be an “underperforming student” may be limited in his or her participation or excluded from participation in the Program. Underperforming students mean a student who either (1) has a cumulative grade point average below 2.0 in the college courses taken through the Program, or (2) has withdrawn from or received no credit for two or more courses in the same term.

Underperforming students shall be placed on Program probation and shall only be permitted to enroll in one college course at a time, provided however that the course is not one in the same subject as a course in which the underperforming student previously earned a grade of “D” or “F” or received no credit. An underperforming student registered for more than one college course at the time of being placed on probation will be permitted to dis-enroll from any courses prohibited by his or her probationary status. A student who fails to dis-enroll from such a course will be responsible for all tuition, fees, and textbook costs and shall be dismissed from the Program for the following term. An underperforming student may be removed from Program probation and permitted to participate in the Program without restrictions if he or she achieves a cumulative grade point average of 2.0 or better. If a student on Program probation does not raise his or her cumulative grade point average to a 2.0 or higher, the School shall dismiss the student from the Program for the following term. A student who has been dismissed from the Program shall dis-enroll from any additional Program courses, or shall be responsible for all tuition, fees, and textbook costs and shall be dismissed from the Program for an additional term. The School will promptly notify the student, his or her parent, and all relevant institutions of higher education of the student’s status as underperforming

## Maritime Academy Governing Board Policies

and his or her probation or dismissal from the Program. A student dismissed from the Program or prohibited from taking a particular Program course may appeal the School's decision to the Governing Authority, which shall consider any extenuating circumstances separate from academic performance that may have affected the student's Program performance. Appealing student's must request an appeal within five (5) business days of the notice of probation or dismissal and the Governing Authority shall issue a decision on the student's appeal within ten (10) business days of the appeal. The decision of the Governing Authority shall be final.

A student dismissed from the Program shall be permitted to return to the Program on probation if the student has demonstrated adequate academic achievement or progress to the satisfaction of the Principal or his or her designee. Academic progress includes improved course grades, an increased grade point average, academic advancement as demonstrated by teacher feedback, a review of the student's entire high school and college academic record, and any other academic progress factor deemed pertinent by the Principal or his or her designee. Failure to make adequate academic progress will result in an extension of the student's dismissal from the Program.

A Student participating in the Program shall elect one of two basic tracks: Option A – Elect to receive only college credit, in which case the cost of attending the college courses is borne entirely by the Student and his/her Parent; or, Option B – Elect to receive both college and high school credit, in which case the Student and his/her Parent may elect for participation to either (1) be subsidized by direct payments to the college out of the School's foundation funds or (2) be borne entirely by the Student and his/her Parent(s). If the School provides its own transportation to students, reimbursement for transportation costs may be available.

Prior to participating in the Program, a Student shall be provided with specific information and counseling designed to make the Student aware of the possible risks and benefits of the Program. The School shall provide information on the program to Students in the grades prior to the years of eligibility on or before February 1, at minimum, through a notice provided to Students annually (see **Appendix 204.13-B**). All communications sent to Students and Parent(s) related to academic planning shall include information on the Program. Information shall also be made available on the School's website. The School shall hold at least one informational session per year in conjunction with each participating college within a thirty (30) mile radius of the School. If no participating colleges are within a thirty (30) mile radius, the School shall partner with the closest participating college to offer an informational session. This informational session must occur between October 1 and February 15. The School may coordinate with other schools in the area to hold informational sessions.

A Student wishing to participate in the Program shall give notice to the School between February 15 and April 1. If notice is received after April 1, the Student must obtain the written consent of the Principal in order to participate. If the Principal refuses to give written consent, the Student may appeal the Principal's decision to the School's Board of Directors or its designee. All appeals must be filed within fourteen (14) days of the Principal's decision. The Board of Directors shall hold a hearing and make a final decision regarding the student's participation in the Program within thirty (30) days of receiving the student's notice of appeal. The Board's decision to either grant or deny the student's request to participate in the Program shall be final. Students wishing to participate in the Program during the summer term must also comply with the April 1 deadline for notice, but are strongly encouraged to give notice to the School in February in order to improve chances of meeting summer registration timelines.

Before actually enrolling, the Student and his/her Parent shall sign a form stating (1) that they have received the required counseling from the School; (2) that they understand the responsibilities they must assume under the program; and (3) that the School provided them with following information:

## Maritime Academy Governing Board Policies

1. Program eligibility;
2. The credit awarding process and maximum credit requirements;
3. Financial responsibilities, if any;
4. Transportation and parking responsibilities;
5. Academic support services;
6. Course scheduling;
7. Student participation options, including opportunities to participate during the summer term and deadlines pertinent to participation;
8. The designated point of contact at the School who is available for questions regarding the Program; and
9. Any other possible benefits and consequences of participation in the Program.

The School shall notify each Student participating in the Program of the total number of college credits he/she may earn in an academic year through the Program prior to the date the Student registers for a course or courses in a term at an enrolling college. **Students will only be awarded high school or college credit for those college courses in which the student receives a grade “C” or better.**

Upon receipt of a pre-term notice from an enrolling college specifying the admission of a Student and courses and credit hours for which the Student is registered, the School shall verify (1) that the Student is not taking more than thirty (30) college credit hours during an academic year, which shall begin with the summer term, and (2) that the Student has not exceeded one hundred twenty (120) college credit hours total through the Program. In the event that the number of credits conferred by a college course partially exceeds the maximum number of allowable credits, then the whole course shall be considered to exceed the maximum allowable credits. This review shall be based upon a review of all pre-term notices received for the Student. If a Student has exceeded the maximum number of allowable credits permitted by law, the School shall promptly notify the Student and give the Student the option of (a) adjusting his/her schedule to comply with the maximum allowable credit requirement or (b) self-paying for those credits above the maximum permitted by the Program.

Participating Students must enroll in any non-remedial and nonsectarian courses, so long as the courses apply to a degree or professional certificate. Students must be assessed using the same standard of achievement and held to the same grading standard as non-Program Students enrolled in the college course. The School shall ensure that enrollment in the college course with an end-of-course exam does not circumvent the Student’s obligation to sit for any required end-of-course examinations.

The courses offered in the Program shall be the same courses that are included in the participating college’s regular course catalogue. High school credit for college courses taken under the Program shall be granted by the School. If a course comparable to one completed at a college is offered by the School, the School shall give comparable credit. If there is no comparable credit offered by the School, the School shall grant an appropriate number of “elective” credits. If there is a dispute as to what constitutes “comparable credit” or “appropriate credit” then the Student may appeal the School’s determination to the State Board of Education, the decision of which shall be final.

The School, in coordination with a participating college or university, may elect to provide Program courses at the School under the instructor of a qualified high school teacher. Such a course must follow the same college course syllabus, use the same textbook and other course materials, aspire to achieve the same course

## Maritime Academy Governing Board Policies

objectives and learning outcomes, and assess Students using the same methods as the corresponding college course delivered on a college campus. Students who are not enrolled in a college through the Program, but nonetheless are enrolled in a Program course at the School, shall be held to the same academic standards as those Students enrolled in the Program, but shall not receive college credit for the course. The School shall provide written notice to such Students and those Students' Parent(s) stating that the Student is not earning college credit and that the course would likely need to be repeated upon enrollment in any post-secondary institution.

All high school teachers providing college instruction through the Program at the School must meet the qualifications to be an instructor as set forth by the Chancellor of the Ohio Department of Higher Education. If the School elects to offer colleges courses at the School, the coordinating college or university must offer such teachers at least one three-hour professional development session per academic year and must conduct at least one full-period classroom observation of each Program course taught by each high school teacher during the first academic year the teacher instructs that course, and alternating academic years thereafter. Any observer must provide the School's Principal with at least twenty-four (24) hours' advance written notice of each observation.

In coordination with at least one participating college, the School shall designate various course "pathways" which, amongst other things, may be based on major, career path, or core coursework. Pathways must provide Students with the opportunity to either earn fifteen (15) credits or thirty (30) credits. Pathways are merely guidance for Students as to the possible course of study that a Student may elect to pursue; however, Students are not precluded from participating in courses outside of any pathway. Pathways shall be included in the School's designated course offering book for Student reference.

Student participation in the Program is based solely on the participating college's established placement standards for college-level courses for which credit is awarded. A 7th, 8th, or 9th grade Student seeking high school credit may not participate in the program for more than the equivalent of four academic school years. Likewise, 10th, 11th, and 12th grade Students seeking high school credit may not participate for more than the equivalent of three, two, or one academic school year(s), respectively.

Students may participate in the Program during a summer term, unless the summer term begins during the Student's last quarter of high school or after the Student's anticipated high school graduation date. The Parent(s) of any Student electing to take summer courses through the Program shall be solely responsible for transportation to and from Program courses. Earned credit for summer courses shall be included on the Student's transcript for the coming school year.

Students wishing to take college courses at their own expense, and outside of regular school hours, may do so without participating in the Program. The School shall only recognize college course work that is successfully completed by a Student through the Program in full compliance with all Program requirements and restrictions, and it shall count such completion toward graduation and subject area requirements. Student records shall indicate the successful completion of any college courses taken and include the name of the college at which the credits were earned. Grades earned from the college will be averaged into each Student's high school and college grade point average. Students participating in the Program will receive the same preferential weighting in calculating their grade point average as those Students who participate in other Advanced Standing Programs (*e.g.*, Advanced Placement courses, International Baccalaureate courses, etc.).

If the Student receives a failing grade in any college course while participating in the Program, the Student and his or her Parent(s) may be held responsible to reimburse the amount of state funds paid to the college on the Student's behalf. A Student who receives a failing grade may have grades and credits withheld by

ADOPTED 09/09/2024

## Maritime Academy Governing Board Policies

the School until such reimbursement occurs. However, the School shall not seek reimbursement from any participating Student who is economically disadvantaged.

The expulsion of a Student from the School may cause the Student to lose the privileges and benefits of the Program. Students who have been expelled from the School may not apply for college enrollment under the Program during the period of expulsion. With respect to Students already enrolled in college at the time of the expulsion, the Board shall deny such Student's high school credit earned in the Program during expulsion. Accordingly, the Board shall send written notice of the expulsion to the college at the time the expulsion is imposed and shall indicate that the School has adopted a policy denying high school credit for Program courses taken during an expulsion. The college may then withdraw its acceptance of the Student. If the college chooses not to withdraw its acceptance of the Student, the Student may continue in attendance for college credit only. In such circumstances, the Student is financially responsible for tuition and fees and must pay the college for any textbooks and materials that were previously supplied without charge.

Annually, the School and the participating college shall jointly submit the required data to the Chancellor of the Ohio Board of Higher Education for any Student participating in the Program by July 15. Nothing in the "College Credit Plus" program shall preclude a Student from also choosing to complete coursework in another Advanced Standing Program while enrolled in high school.

Prior to enrolling in any college course through the Program, the student and his or her parent shall sign a permission slip acknowledging the potential for mature subject matter in a course taken through the Program. A copy of the signed permission slip must be included with the student's application to the college or university. A copy of the permission slip shall be placed on the School's website.

**Advanced Standing Program.** Students may earn credit toward a degree from an institution of higher education upon the Student's attainment of a specified score on an examination covering the coursework. Coursework in an Advanced Standing Program may include any of the following:

1. College Credit Plus;
2. Advanced Placement;
3. International Baccalaureate courses; or
4. Early college high schools.

*R.C. 3313.6013; Chapter 3365; OAC 3333-1-65; OAC Chapter 3301-44. See Appendix 204.13-A Letter of Intent to Participate in College Credit Plus, Appendix 204.13-B College Credit Plus Informational Sheet, and Appendix 204.13-C Sample Invitation Letter for Informational Sessions, Appendix 204.13-D Permission Slip.*

## **204.14 Career Advising and Student Success Plans**

This policy governs the School's plan for advising students on career readiness and shall be reviewed at least once every two years. This policy must be made available upon request and placed prominently on the School's website.

### **I. Definitions**

Academic Pathways: A designated and specific plan for secondary and post-secondary coursework, academic programs and/or learning experiences that a student will complete in order to earn a diploma or other related credentials.

Career Advising: An integrated process that helps students understand how personal interests, values and strengths may predict educational and career satisfaction and success and may relate to academic and career goals.

Career Connection Learning Strategies: Grade-level examples linking schoolwork to one or more career fields as defined by the Ohio Department of Education.

Career Fields: Groups of occupations and broad industries based on common characteristics as defined by the Ohio Department of Education.

Career Pathways: An overview of the various career options and the amount of education or training necessary for each option.

Early Warning System: Data indicators that help identify students who are at risk of dropping out of school.

Online Tools: OhioMeansJobs K-12, or another similar tool that provides resources, tools and information for students to determine individual career interests, explore career and education options, and develop an individual plan for their future.

Student Success Plan: A formalized process that helps students develop goals and plans for success in their futures. The process is based on strategic activities and reflections in which students discover their interests, explore and evaluate options, and make informed decisions.

Successful Transition and Postsecondary Destinations: Acceptance to and enrollment in a postsecondary education or training program at an institution of higher education, without remediation. This includes apprenticeship, cooperative education, certificate, associate, or bachelor's degree; employment in a high-skill, high-wage career field; or, acceptance into the military.

### **II. Career Advising Plan**

The School shall establish a school wide system of career advising. The School shall train staff to advise students on career pathways, including training and advising students to use online tools.



## Maritime Academy Governing Board Policies

The School's career advising program:

1. will provide career advising to students in grades 6-12 through a combination of formal scheduled meetings with each student, classroom instruction regarding possible career options and career advice provided by teachers;
2. shall provide grade-level examples linking a student's schoolwork to one or more career fields by consulting the Career Connections Learning Strategies and/or any other career advising source the Principal of the School and/or the Board deems appropriate;
3. shall develop multiple academic pathways through high school that will allow a student to earn a high school diploma, including career technical programs and advanced standing programs;
4. will provide the supports necessary for students to transition successfully from high school to their post-secondary destination, including interventions and services necessary for students who need remediation in mathematics and English language arts;
5. identify and publicize courses that can award students both traditional academic and career technical credit;
6. provide students with information regarding examples of career fields that require an industry-recognized credential, certificate, associate's or bachelor's degree, and graduate or professional degrees; and
7. provide students with information about ways students may offset post-secondary education costs through programs such as the reserve officer training corps (ROTC), college credit plus, the Ohio guaranteed transfer pathway initiative, and joint academic programming or dual enrollment opportunities. Provided information may include materials developed by the Chancellor of Higher Education.

### **III. Documentation of the School's Career Advising Program**

The School shall document the career advising provided to each student for review by the student, the student's parent, and future schools that the student may attend. The School shall not otherwise release any documentation of career advising provided to each student absent the written consent of the student's parent or the written consent of the student if the student is at least eighteen years old.

### **IV. Students at Risk of Dropping out of High School**

The School shall identify students who are at risk of dropping out using one or more local, research-based methods, such as the Ohio Department of Education Early Warning System or any other method deemed appropriate by the Principal or his/her designee or by the Board. The School shall consider the input of teachers and guidance counselors in identifying students at risk of dropping out of school.

Any student identified as at risk shall be provided a Student Success Plan. A Student Success Plan shall address the role of career-technical education, competency-based education, and/or experiential learning, and create a pathway to high school graduation. The School shall offer the student's parent an opportunity to assist in developing the plan. If the student's parent does not participate in the development of the plan, the School shall provide the parent (1) a copy of the Student's Success Plan, (2) a statement of the importance of a high school diploma, and (3) a summary of the academic success pathways available to the student to succeed in graduation. The School shall provide additional interventions and career advising for students who are identified as at risk of dropping out. Career advising shall be aligned with the student's success plan.

## **204.15 Use of Drones**

Use of model aircraft, small unmanned aircraft system (“UAS”), or drones (“Drones”) must comply with Federal Aviation Administration (“FAA”) laws, rules, and regulations, and may only occur in accordance with this Policy.

Drones must be in a condition safe for operation prior to use. Drones must weigh no more than 55 pounds, including the weight of the fuel and anything else attached to the aircraft, and must be operated within the safety guidelines provided by the Academy of Model Aeronautics. See **Appendix 204.15-A**. Before flying, if a Drone will be used for any commercial purpose, the Drone must be registered with the FAA (<https://registermyuas.faa.gov/>) and labeled with the registration number in permanent ink. Under such circumstances, the Drone operator must keep the FAA registration certificate in his or her possession during operation. Drones may only be operated during daylight hours. During operation, Drones must be kept in the operator’s eyesight at all times, may not be flown more 400 feet above the surface on which the Drone operator is standing, and may not be flown from a moving vehicle. Drone use should be limited in populated areas or around spectators. Drones may not be flown over people or used to photograph any person in an area where there is an expectation of privacy, without that individual’s permission. Drones shall not be flown over stadiums or sporting events, and shall not fly in a manner that could inhibit emergency response efforts. Drones must not interfere with and must give way to any manned aircraft. The School or any Drone operator must notify the airport operator and control tower in advance if it intends to operate the Drone within five miles of the airport.

Drones may be operated by (a) a staff member, student, or volunteer who holds a current Remote Pilot Certificate issued by the FAA, or (b) an individual under direct supervision of a person with a Remote Pilot Certificate, provided that the Remote Pilot has the ability to immediately take direct control of the flight of the Drone. Any Drone accident that results in serious injury, loss of consciousness, or damage to property in excess of \$500 must be reported to the FAA by the supervising pilot within 10 days.

Drones may be operated for hobby or recreational purposes by School- or Student-Sponsored clubs. Any photographs or films taken using a Drone for hobby or recreational purposes may not be sold, and the School and any Drone operator may not receive any other compensation or profit from its use. Staff may assist students operating Drones, provided however that any compensation received by the Staff Member from the School is neither directly nor incidentally related to Drone operation. Drones flown for hobby or recreational purposes are not required to be registered with the FAA, but must comply with all other terms stated in this policy.

*14 C.F.R. Part 107; FAA Modernization and Reform Act of 2012 (FMRA), P.L. 112-95, §336; FAA Advisory Circular 91-57A; Taylor v. Huerta, No. 15-1495 (D.C. Cir. 2017).*

See **Appendix 204.15-A** Model Aircraft Safety Code.

## 204.16 Cyber Threats

### **Types of Information**

Information is everywhere and constantly going from one person to another, from one device to another, etc. By law, some information is protected from disclosure, and, while some information is not technically legally-protected information, it nonetheless has value.

### **Types of Threats**

The most common types of threats are:

- Data Breach. A leak or spill of sensitive, protected, or confidential data from a secure environment to an insecure environment, where the data may then be copied, transmitted, viewed, stolen, or used in an unauthorized manner. Data breaches often occur with confidential information.
- Denial of Service. Also known as a Distributed Denial of Service (“DDoS”) attack, occurs when a server is deliberately overloaded with requests such that the Website shuts down. Users are then unable to access the Website.
- Spoofing/Phishing. Both spoofing and phishing involve the use of fake electronic documents. Spoofing refers to the dissemination of an email that is forged to appear as though it was sent by someone other than the actual source. Phishing is the act of sending an email falsely claiming to be a legitimate organization in an attempt to deceive the recipient into divulging sensitive information (e.g., passwords, credit card numbers, or bank account information) after directing the user to visit a fake website.
  - Spear phishing is a more targeted form of phishing and typically involves sending an email that appears to come from a colleague or acquaintance.
- Malware/Scareware. Illicit software that damages or disables computers or computer systems. Similar to malware is scareware, which uses social engineering to cause fear or anxiety so that a user buys unwanted and unneeded software, such as antivirus software. Computers can become infected through downloading a piece of malware or scareware disguised as legitimate software from peer-to-peer file sharing or email attachments or links. To help prevent malware or scareware, users should keep their software up to date so that any critical software patches are received. Users should also install antivirus software.
  - Ransomware is form of malware in which perpetrators encrypt users’ files, then demand the payment of a ransom—typically in virtual currency such as Bitcoin—for the users to regain access to their data. Ransomware can also include an element of extortion, in which the perpetrator threatens to publish data or images if the victim does not pay. The ransomware is frequently delivered through phishing/spoofing scams.
- Unpatched or Outdated Software Vulnerabilities. Vulnerabilities occur when unpatched or outdated software has not been updated to include the latest software updates allowing unauthorized users to gain access to information networks and systems.

- Removable Media. Media devices that can be connected to computers (e.g. thumb drives, CDs, DVDs, and external hard drives) can be easily stolen, exposing private data. Corrupted devices can be intentionally or unwittingly connected to computers allowing the device to infect the computer with malware.

### **Types of Security and Preparing for Threats**

The School takes a holistic approach to security. There are several security “layers”, and each one has its own security strategy as outlined below:

- **Physical Security**      The security of brick and mortar buildings, as well as the students, faculty, and staff that learn, teach, and work in them..
- **Network Security**      Focused on ensuring there is not any unauthorized traffic flowing across the network that no one is abusing or gaining illegitimate access to network-connected resources and that sensitive information is security while it is traversing the network (data in motions). DDoS attacks are a form of network resource abuse, and mitigating those attacks is a critical component of network security.
- **Application Security**      Eliminating software vulnerabilities that could lead to security breaches.
- **Content Security**      Focused on protecting data at rest (e.g., in a database) and on complying with various local, state, and federal requirements for data security and privacy.
- **End Point Security**      Traditionally concerned with keeping malicious or otherwise unwanted and unauthorized software and users of endpoint devices. This includes asset location tracking and processes for eliminating sensitive data from and reporting lost or stolen devices.
- **Cloud/Data Center Security**      Focused on ensuring the School’s core computing resources are appropriately patched and segmented to prevent unauthorized access and contain any unauthorized access if it does occur.

### **Identifying an Incident**

When a security incident occurs, the School’s Incident Response Plan will enable the School to focus on containment, rather than identifying the people and processes that need to occur. A successful incident management program combines people, processes, and technology.

### **Reporting and Incident**

In the event of a suspect incident, the School’s Principal or his or her designee and the School’s IT Director should be immediately notified with details regarding the reasons underlying the suspicion. The Incident Response Team (“IRT”), which shall include the Principal or his or her designee and the IT Director, will work to limit the damage and preserve the protected/sensitive information, and determine the amount of outside external assistance required to assist with addressing the threat.

Any individual whose personal information may have been compromised may make a report to any of the following:

- FBI, via a Field Office Cyber Task Force;
- Internet Crime Complaint Center;
- National Cyber Investigative Joint Task Force ([cywatch@ic.fbi.gov](mailto:cywatch@ic.fbi.gov));
- National Cybersecurity and Communications Integration Center ([NCCIC@hq.dhs.gov](mailto:NCCIC@hq.dhs.gov)); or
- U.S. Computer Emergency Readiness Team (“US-CERT”).

Once the incident has been contained, recovery may be needed for people, policies, and technology—all of which are interconnected. The IRT will need to identify the technology and people impacted by the incident, and address any known causes or existing vulnerabilities.

Appendix 204.16-A Cyber Threat Response Plan.

**204.17 COVID-19 Modifications Policy**

Due to COVID-19, during the 2020-2021 school year, and during the 2019-2020 school year school closure in compliance with the Ohio Director of Health's order, any mandates within the following supersede any conflicting provisions in School policies:

- 1) House Bill 197 passed by the 133<sup>rd</sup> General Assembly;
- 2) House Bill 164 passed by the 133<sup>rd</sup> General Assembly;
- 3) Orders from the Ohio Governor or the Ohio Director of Health; or
- 4) Guidance from the Ohio Department of Education.

**205                    Program Assessment**

The School shall assess itself at least annually in meeting its mission, goals, and curriculum as set out in its Contract with its Sponsor. To that end, the School adopts the following policies in order to assist in reaching its goals.

The assessment shall consist of four major elements:

- A. A strong commitment from Staff to the School's mission;
- B. A focus on the School's customers (students, parents, and staff);
- C. Comparisons between outcomes currently being attained and those desired, or target outcomes identified in the School's Charter Contract; and
- D. A commitment to continuously improve student achievement by constantly striving to improve the program and service the School provides.

Process for Comprehensive Continuous Improvement Plan ("CCIP") Grants

When applying for a CCIP Grant, the School shall develop a needs assessment which shall consist of a well-thought-out business process. The School shall align all programs, plans/plan additions and funding sources. Most of the CCIP titles/grants require a needs assessment. The School shall use one comprehensive process for all the federal titles/grants, local and state funding sources, and plan additions in the CCIP. The School shall involve key stakeholders, including students (where appropriate), parents, teachers, staff, administrators, and community members (including employers) in a data/planning committee. The School shall revisit the needs assessment regularly to continuously evaluate and improve the academic plan.

**205.1            Report Card**

The Ohio Department of Education issues a report card that shall be distributed to the parents and students of the School, to the members of the board of education of the school district in which the School is located, and to any other party requesting the report card from the Department of Education. The School will disseminate the information contained in the annual report card in an understandable and uniform format.

*20 U.S.C. 6311(h)(2); R.C. 3314.012(D)*



## **205.2 Annual Report**

The Principal or his/her designee shall prepare for the Board's review an annual report of the School's activities and progress in meeting the goals and standards of R.C. 3314.03(A)(3) and (4) and the School's financial status. Such report shall be submitted to the Sponsor, the parents of students, and the Ohio Department of Education or a similar governmental entity, if so required. The Principal or his/her designee shall collect and provide any data that such offices require.

Each school receiving Title I funds shall include the following information in its annual report:

- A. The School's performance on the State report card
- B. Information showing how students served by the school achieved on the required State academic assessments compared to students in the state as a whole; and
- C. Any other information that the School determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of the School, whether or not such information is included in the State report card.

The annual report will be concise, presented in an understandable and uniform format, and, when practicable, in a language that parents can understand. The annual report shall be accessible to the public and posted on the School's website, if any.

*R.C. 3314.03 (A)(11)(g); 20 U.S.C. 6311(h)(2).*

**205.3 Other Reporting**

The Principal or his/her designee shall report to the Board, all matters required by the Ohio Revised Code Section 3314.08(B)(2)(a)-(i) and 3301.0714.

See also Policy 144 Reporting Requirements.

**205.4            Intentionally Left Blank**

**206 General Notice of Non-Discrimination**

The School does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding non-discrimination policies:

PRINCIPAL  
ADDRESS  
TELEPHONE NUMBER  
EMAIL ADDRESS

The language above will be posted on the School's website within two clicks of the home page; in all other School-related documents made available to students, parents, staff, and applicants (*e.g.*, student newspapers, parent newsletters, student handbooks, employee handbooks, application forms, recruiting materials, etc.); and in a conspicuous place in the School building. This language will also be provided to parents, students, and employees prior to the start of each school year.

The designated individual will serve as the requisite coordinator for each of the following: **Policy 221 (Access to Equal Educational Opportunity), Policy 222 (Title IX Coordinator), Policy 228 (Section 504), Policy 264 (Sexual and Other Forms of Harassment), and Policy 305 (Nondiscrimination).**

**SECTION 220**

**PROGRAM ADMINISTRATION**

**221 Access to Equal Educational Opportunity**

It is the policy of the School to provide an equal opportunity for all children to achieve their maximum potential through the curriculum offered regardless of race, color, creed, disability, religion, sex, ancestry, national origin, social or economic background, or other legally protected category.

The Board appoints the Superintendent to be the Compliance Officer whose responsibility it will be to coordinate the School's efforts to comply with and fulfill its responsibilities under Federal and State regulations. The Superintendent shall also ensure that any complaints are dealt with promptly in accordance with law, and that proper notice of nondiscrimination rights under applicable laws is provided to students, their parents, staff members, and the general public.

Any complaints shall be addressed in accordance with the provisions, respectively, of:

Section 222.1 – Title IX Grievance Procedure; and/or

Section 223.1 – Title I Complaint Procedure; and/or

Section 228 – Section 504 of the Rehabilitation Act of 1973, Grievance Procedure.

*See also* Policy 206 General Notice of Non-Discrimination

**222 Title IX Coordinator**

The School intends to comply with Title IX of the Education Amendments Act of 1972, which states, in part: “No persons in the United States shall on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving financial assistance....”

As such, the School does not discriminate on the basis of sex in its education program or activities, and is required by Title IX and its regulations not to discriminate in such a manner. This requirement not to discriminate in the education program or activity extends to admission and employment.

The following person shall be the Compliance Officer/Title IX Coordinator and is responsible for investigating any complaint alleging noncompliance with Title IX.

Aaron Lusk  
803 Water St.  
Toledo, Ohio 43604  
Phone (419) 244-9999  
Email: Superintendent@maritimeacademy.us

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

Inquiries about the application of Title IX and its regulations to the School may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department, or both.

A specific procedure for grievances related to Title IX issues is set forth as the “Title IX Grievance Procedure.” *34 CFR 106*

The language above will be posted on the School’s website within two clicks of the home page; in all other School-related documents made available to students, parents, staff, and applicants (e.g., student newspapers, parent newsletters, student handbooks, employee handbooks, application forms, recruiting materials, etc.).

See also Policy 206 General Notice of Non-Discrimination

## **222.1 Title IX Grievance Procedure**

The Title IX Grievance Procedure listed below is meant to provide for prompt and equitable resolution of student and employee complaints.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.

Should any School employee, or School official who has authority to institute corrective measures on behalf of the School, receive notice of sexual harassment or allegations of sexual harassment, they shall immediately report it to the Title IX Coordinator.

If a report involves allegations by or involving the Title IX Coordinator, the person making the report should submit it to the Superintendent. The Superintendent will then serve in place of the Title IX Coordinator for purposes of addressing that report. If the Superintendent is the Title IX Coordinator, the person making the report should submit it to the Board President.

### **Grievance Process for Complaints Not Alleging Sexual Harassment**

#### **Level I – Informal Procedure**

Upon receiving a report of sexual discrimination that does not allege sexual harassment (as defined below), the Title IX Coordinator shall facilitate resolution through an informal procedure, if possible. This informal procedure is not required as a precursor to the filing of a complaint. The informal procedure is only available in those circumstances where the parties agree to participate in it. Individuals who believe that they have been unlawfully sexually discriminated/retaliated against may proceed immediately to the complaint procedure and individuals who seek resolution through the informal procedure may request that the informal procedure be terminated at any time to move to the complaint procedure. While there are no set time limits within which an informal procedure must be resolved, the Title IX Coordinator or his/her designee will exercise his/her authority to attempt to resolve the informal procedure within fifteen (15) business days of receiving the report.

Parties who are dissatisfied with the results of the informal procedure may proceed to file a complaint with the Title IX Coordinator.

#### **Level II – Complaint Procedure**

If a report is not resolved through the informal procedure, if one of the parties requests that the informal procedure be terminated to move to the complaint procedure, or if the individual elects to file a complaint initially, the complaint procedure shall be implemented. The School also reserves the right to investigate and resolve a complaint or report of sex discrimination/retaliation regardless of whether the individual alleging the unlawful discrimination/retaliation pursues a complaint.

The complaint should be in writing and state the date and nature of the alleged discrimination/retaliation and the relief sought. If the grievant is a student, the Title IX Coordinator shall assist in preparing the written complaint.

ADOPTED 09/09/2024



## Maritime Academy Governing Board Policies

Upon receipt of the written complaint of sexual discrimination that does not allege sexual harassment, the Title IX Coordinator or his/her designee shall begin an investigation. The investigation will include, but not be limited to, interviews and a consideration of documentation or other information presented by any party that is reasonably believed to be relevant to the allegations, as applicable. Although certain cases may require additional time, the Title IX Coordinator or his/her designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the written complaint. The School reserves the right to have the complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

If an individual is alleged to have engaged in discrimination/retaliation, that individual shall be presumed to not be responsible for the alleged conduct until the conclusion of the complaint procedure. That individual must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

At the conclusion of the investigation, the Title IX Coordinator or his/her designee shall issue a written decision to the parties.

### Level III – Appeal

If the student or employee believes that there still is a basis for a grievance, he or she may make a written statement of appeal to the Board. This written statement of appeal must be filed within ten (10) business days of the date of the Title IX Coordinator's decision.

The Board or its designee (1-3 members of the Board) shall make a decision on the grievance appeal in a timely manner (ordinarily, within fifteen (15) business days of the appeal being received), and shall give that decision in writing to the Title IX Coordinator and the Student or employee.

## **Grievance Process for Complaints of Sexual Harassment**

### Definitions

For purposes of this grievance process,

“*Complainant*” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“*Formal complaint*” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the School investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the School with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator.

“*Respondent*” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“*Sexual harassment*” means conduct on the basis of sex that satisfies one or more of the following:

## Maritime Academy Governing Board Policies

- (1) An employee of the School conditioning the provision of an aid, benefit, or service of the School on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School's education program or activity; or
- (3) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

*"Supportive measures"* means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the School's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the School's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The School must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the School to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

### Training

Any individual designated by the School as a Title IX Coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. In addition, these individuals shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

All Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, shall receive training on the definition of sexual harassment, the scope of the School's education program or activity, how to conduct an investigation and grievance process (including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The School will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, and that decision-makers receive training on any technology to be used at a live hearing, and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

### Presumption of No Responsibility

Throughout this grievance procedure, there shall be a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. In addition, the School shall not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

The School must comply with this grievance process before the imposition of any disciplinary sanctions, or other actions that are not supportive measures, against a respondent.

The investigation of the grievance shall include an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and credibility determinations may not be based on a person’s status as a complainant, respondent, or witness. The standard of evidence to be used to determine responsibility will be the preponderance of the evidence standard.

### Good Cause Delay

There may be a temporary delay of the grievance process or a limited extension of time-frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

### Level I – Response to Report

Upon receiving a report of sexual harassment, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The School will maintain as confidential any supportive measures provided before or after the filing of a formal complaint or where no formal complaint has been filed, to the extent that maintaining such confidentiality would not impair the ability of the School to provide the supportive measures.

### Level II – Formal Complaint

Upon receipt of a formal complaint (or later as additional allegations become known), the School will provide the following written notice to the parties who are known:

(A) Notice of the School’s grievance process that complies with this section, including any informal resolution process.

(B) Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice must also

inform the parties of any provision in the School's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the School decides to investigate allegations about the complainant or respondent that are not included in the foregoing notice provided, the School must provide notice of the additional allegations to the parties whose identities are known.

The School may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Investigation:

The Title IX Coordinator or his/her designated investigator will investigate the allegations in a formal complaint. When investigating a formal complaint and throughout the grievance process, the Title IX Coordinator or his/her designated investigator must:

(A) Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the School and not on the parties provided that the School cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the School obtains that party's voluntary, written consent to do so for a grievance process (if a party is not an "eligible student," as defined in 34 CFR 99.3, then the School must obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3);

(B) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;

(C) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

(D) Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the School may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

(E) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

(F) Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the School does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative

## Maritime Academy Governing Board Policies

report, the School must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least ten (10) business days to submit a written response, which the investigator will consider prior to completion of the investigative report; and

(G) Create an investigative report within thirty (30) business days of receipt of a formal complaint that fairly summarizes relevant evidence and, at least ten (10) business days prior to a time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

### Question and Answer Period

After the School has sent the investigative report to the parties, the Title IX Coordinator or his/her designated investigator shall submit the investigative report to a decision-maker(s) to reach a determination regarding responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator or the investigator(s).

Before reaching a determination regarding responsibility, the decision-maker(s) must afford each party five (5) business days to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. However, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

### Dismissal

The School must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the School's education program or activity, or did not occur against a person in the United States, then the School must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. However, such a dismissal does not preclude action under another provision of the School's code of conduct.

The School may also dismiss the formal complaint or any allegations therein, if at any time during the investigation: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the School; or specific circumstances prevent the School from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, the School will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

### Determination Regarding Responsibility

The decision-maker(s) must issue a written determination regarding responsibility within twenty-five (25) business days of receiving the investigative report.

The written determination must include:

ADOPTED 09/09/2024

## Maritime Academy Governing Board Policies

- (A) Identification of the allegations potentially constituting sexual harassment;
- (B) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- (C) Findings of fact supporting the determination;
- (D) Conclusions regarding the application of the School's code of conduct to the facts;
- (E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the School imposes on the respondent, and whether remedies designed to restore or preserve equal access to the School's education program or activity will be provided by the School to the complainant; and
- (F) The School's procedures and permissible bases for the complainant and respondent to appeal.

The School must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the School provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

If a determination of responsibility for sexual harassment has been made against a respondent, the School will provide remedies to a complainant. The Title IX Coordinator is responsible for effective implementation of any remedies. Possible remedies to the complainant that the School may implement include: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures or individualized services offered as may be appropriate and reasonably available, without fee or charge to the complainant, that are designed to restore or preserve equal access to the School's education program or activity, to protect the safety of the complainant or the School's educational environment, or to deter sexual harassment.

Possible disciplinary sanctions the School may implement following any determination of responsibility by the respondent may include: suspension, expulsion, reprimand, documenting the occurrence in the personnel file, referral to counseling, withholding of a promotion, demotion, reassignment, temporary suspension without pay, termination of employment, or any other disciplinary measures outlined in the School's code of conduct or Staff Handbook.

### Level III – Appeal

Either the complainant or respondent, or their parent or guardian, may appeal from a determination regarding responsibility or from a dismissal of a formal complaint, or any allegations therein. Any such appeal shall be received by the Title IX Coordinator in writing within ten (10) business days of the determination.

The appeal may be on one or more of the following bases:

- (A) Procedural irregularity that affected the outcome of the matter;

(B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

(C) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The Title IX Coordinator shall give the written appeal to an appeal decision-maker(s) for decision. The decision-maker on appeal cannot be the same person(s) as the initial decision-maker, the Title IX Coordinator, or the investigator(s).

Within three (3) business days of receipt, the Title IX Coordinator shall also provide notice to the other party in writing that the appeal was filed. Each party shall then be provided five (5) business days to submit a written statement in support of, or challenging, the outcome.

Within ten (10) business days after the time to submit a written statement has passed, the decision-maker on appeal shall issue a written decision describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties.

For all appeals, the School must ensure that the decision-maker(s) for the appeal: (i) not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent; (ii) receive training on the definition of sexual harassment, the scope of the School's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; (iii) receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant; and (iv) receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

### **Office for Civil Rights**

If the student (or their parent or guardian) or employee is not satisfied with the grievance process determination, he or she may appeal it to the Office for Civil Rights. However, use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

A student (or their parent or guardian) or employee who believes there is a basis for a grievance related to Title IX may file a written complaint with the Office for Civil Rights, U.S. Department of Education, 600 Superior Avenue East, Suite 750, Cleveland, Ohio 44114-2611. Any such written complaint must be filed within one hundred eighty (180) days from the date of the alleged discrimination, or, if this grievance procedure is utilized, within sixty (60) days after the last act of the grievance process.

### **Informal Resolution Process**

The School may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment.

Similarly, the School may not require the parties to participate in an informal resolution process, and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the School may facilitate an

informal resolution process that does not involve a full investigation and adjudication, provided that the School:

- (A) Provides to the parties a written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- (B) Obtains the parties' voluntary, written consent to the informal resolution process; and
- (C) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Any such informal resolution process should not exceed ten (10) business days.

### **Emergency Removal**

Nothing in this grievance procedure precludes the School from removing a respondent from the School's education program or activity on an emergency basis, provided that the School undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. However, this provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

### **Administrative Leave**

Nothing in this grievance procedure precludes the School from placing a non-student employee respondent on administrative leave during the pendency of a grievance process. However, this provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

### **Recordkeeping**

The School must maintain for a period of seven years records of:

- (A) Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the School's education program or activity;
- (B) Any appeal and the result therefrom;
- (C) Any informal resolution and the result therefrom; and
- (D) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The School must make these training



materials publicly available on its website, or if the School does not maintain a website the School must make these materials available upon request for inspection by the public.

For each response to a report or formal complaint of sexual harassment in an education program or activity, the School must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the School must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the School's education program or activity. If the School does not provide a complainant alleging sexual harassment with supportive measures, then the School must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the School in the future from providing additional explanations or detailing additional measures taken.

### **Retaliation Prohibited**

Neither the School, nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this grievance procedure, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding in this grievance procedure. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this grievance procedure, constitutes retaliation.

The School must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination complaints not alleging sexual harassment. The exercise of rights protected under the First Amendment does not constitute prohibited retaliation under this grievance procedure. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of this grievance procedure does not constitute prohibited retaliation under this grievance procedure, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### **Designations**

The School retains discretion to designate suitably qualified persons to fulfill any function under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

## Maritime Academy Governing Board Policies

The School also retains discretion to appoint two or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Superintendent and/or Title IX Coordinator may delegate functions assigned to a specific individual under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to any suitably qualified individual and such delegation may be rescinded at any time.

*See 34 CFR part 106; see also Policy 221, Policy 222, and Appendices 221.1-A through 221.1-J.*



## **223 Title I Services**

The Board elects to augment the educational program of educationally disadvantaged students by the use of Federal funds and in accordance with Title I of the Amendments in the Elementary and Secondary School Improvement Act of 1965.

### Plan Development

The Principal or his/her designee shall prepare and present to the Department of Education a plan for the delivery of services which meets the requirements of the law, including those described below. The plan shall be developed, evaluated and, when necessary, amended by professional staff members involved in its implementation, parents and other members of the community who will be served by the plan, and, if appropriate and applicable, federal, state, or local programs.

### Assessment

The Title I plan must be based on a comprehensive needs assessment of the entire school, taking into account information on the academic achievement of children on required State assessments and the particular needs of children who are failing or at-risk of failing to meet such standards.

The School shall annually assess the educational needs of eligible children, as determined by Federal and State criteria. Such assessment shall include academic performance standards mandated by the Department of Education, as well as those determined by the School professional staff, that will assist in the diagnosis, teaching, and learning of the participating students.

### Scope

The School shall determine whether the funds will be used to upgrade the educational program of the entire School and/or to establish or improve programs that provide services only for eligible students in greatest need of assistance. The program shall include the components required by law, as well as those agreed upon by participating staff and parents.

### Parent and Family Member Engagement

Parent and family member engagement shall meet the requirements of Section 1116 of the Act. See Policy 203.1.

### Comparability of Services

Title I funds will be used only to supplement, not supplant, state and local funds. The Principal or his/her designee shall take steps as necessary to achieve comparability of services.

The determination of the comparability of services may exclude, in accordance with federal regulations, state and local funds spent on compensatory education programs, bilingual education programs, and programs for educationally-disabled students. The determination of comparability will not take into account unpredictable changes in student enrollments or personnel assignments.

### Professional Development

Appropriate training will be provided to staff members who provide Title I services. The Principal or his/her designee shall develop administrative guidelines whereby members of the professional staff participate in the design and implementation of staff development activities and:

- A. involve parents in the training, when appropriate;
- B. combine and consolidate other available Federal and School funds; and

## Maritime Academy Governing Board Policies

- C. foster cooperative training with institutions of higher learning and other educational organizations, including school districts.

### Simultaneous Services

In accordance with law, a school offering Title I services may also serve other students with similar needs.

*20 U.S.C. 6314; 20 U.S.C. 6318(c)*

**223.1 Title I Complaint Procedure**

Complaints shall be directed to the Principal or his/her designee. Resolution of a complaint shall not exceed thirty (30) days. In accordance with regulations established by the Commission, the State Education Agency may extend the thirty (30) day limit due to exceptional circumstances.

Responsibilities of the Principal or his/her designee:

- A. The Principal or his/her designee must review the records, and, if necessary, request additional information within ten (10) working days.
- B. The Principal or his/her designee shall clarify the issues and attempt to resolve them.
- C. A complaint that is not resolved to the complainant's satisfaction within fifteen (15) working days shall be referred to the Board.

The Board shall appoint a hearing panel composed of the Principal or his/her designee, Board President and another member of the Board or a third party.

- A. It shall be the responsibility of the hearing panel to clarify the issues and attempt to resolve the problem.
- B. The hearing panel must keep official records of all proceedings.
- C. The complainant or complainant's representative will be given an opportunity to present evidence and question the parties involved.
- D. The Principal or his/her designee shall give written notice to the complainant of the panel's resolution of the complaint.
- E. The complainant has the right to appeal the resolution of the complaint to the State Educational Agency within thirty (30) days after receipt of the written decision.
- F. Actual expenses incurred, in accordance with the School's policies, may be a part of the local budget for the Title I program, subject to review and approval by the Board.

*34 CFR 104.7*

**224                    Intentionally Left Blank**

## **225 Religion in the Schools**

Religious belief and disbelief are matters of personal consideration rather than governmental authority and the students of this School are protected by the First Amendment from the establishment of religion in the schools. Accordingly, no devotional exercises or displays of a religious character will be permitted at the School in the conduct of any program or activity under the jurisdiction of the School, nor shall instructional activities be permitted to advance or inhibit any particular religion, or religion generally. However, a student may engage in religious expression before, during, and after school hours in the same manner and to the same extent that a student is permitted to engage in secular activities or expression before, during, and after school hours. The School shall also give the same access to school facilities to students who wish to conduct a meeting for the purpose of engaging in religious expression as is given to secular student groups, without regard to the content of a student's or group's expression.

An understanding of religions and the contributions that religion has made to the advancement of civilization is essential to the thorough education of young people and to their appreciation of a pluralistic society. To that end, the curriculum shall be developed to include, as appropriate to the various ages and attainments of the students, instruction about the religions of the world.

The Board and School acknowledge the degree to which a religious consciousness has permeated the arts, literature, music, and issues of morality. The instructional and resource materials approved for use frequently contain religious references or concern moral issues that have traditionally been the focus of religious concern. That such materials may be religious in nature shall not, by itself, bar their use by the School. The Board directs that teaching staff members employing such materials be neutral in their approach and avoid using them to advance or inhibit religion in any way.

Religious traditions vary in their perceptions and doctrines regarding the natural world and its processes. The curriculum is chosen for its place in the education of the students of the School, not for its conformity to religious principles. Students should receive unbiased instruction in the schools so that they may privately accept or reject the knowledge so gained in accordance with their own religious tenets.

Accordingly, no Student shall be exempted from attendance in a required course on the grounds that the instruction therein interferes with the free exercise of his/her religion.

The School also shall not prohibit a student from engaging in religious expression in the completion of homework, artwork, or other written or oral assignments. Assignment grades and scores shall be calculated using ordinary academic standards of substance and relevance, including any legitimate pedagogical concerns, and shall not penalize or reward a student based on the religious content of a student's work.



**226                School Prayer**

Any other policy of this School notwithstanding, the School shall not prevent a student from participating in or deny a student the ability to participate in constitutionally protected prayer.

*20 U.S.C. 7904(b)*

## **227 Rights of Individuals with Disabilities**

It is the policy of the School that no otherwise qualified person shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by the School.

As used in this policy, “an individual with a disability” means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Notice of the School’s policy on nondiscrimination in employment and education practices shall be given in this Policy manual, posted in the School, and published in any School statement regarding the availability of employment positions or special education services.

### Employment

No employee or candidate for employment shall be discriminated against in recruitment, employment, promotion, training, or transfer solely because of his/her disabling condition.

No candidate for employment shall be required to answer a question regarding a disabling condition and no such candidate will be discriminated against on the basis of a disabling condition that is not directly related to the essential functions of the position for which she/he has applied.

Reasonable modifications in scheduling and the allocation of duties, not directly affecting the instructional program, shall be made to accommodate employment conditions to the needs of individuals with disabilities.

### Facilities

Barrier free access to School facilities or an alternative means of providing services shall be provided as required by law so that no individual with a disability is excluded from participation in a School program solely by reason of his/her disability. The School will comply with the building, program and other accessibility requirements of the Americans with Disabilities Act (ADA) and other applicable laws.

### Program

All reasonable efforts shall be made to serve the School’s special needs children eligible for special education and/or related services in accordance with the School’s Special Needs policy. A free appropriate public education shall be provided for each child determined to be in need of special education and/or related services. Such a program of special education shall be provided in the least restrictive environment and in barrier free facilities comparable to those provided for non-disabled students. To the maximum extent appropriate to the student’s disability, a disabled student shall be placed in an educational setting with non-disabled or less severely disabled students.

No student will be denied, because of his/her disability, participation in co-curricular, intramural, or interscholastic activities or any of the services offered or recognitions rendered regularly to the students of the School.

The due process rights of disabled students and their parents will be rigorously enforced.

Section 504

It is the intent of the School to ensure that students who are handicapped within the definition of Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794), are identified, evaluated, and provided with appropriate educational services. Students may be identified as handicapped under Section 504 even though they are not eligible to receive services under the Individuals with Disabilities Act.

The Principal or his/her designee shall be the Section 504 Compliance Officer. A complaint regarding a violation of law and this policy in an employment decision shall be subject to a grievance procedure (Policy 228) that provides for the prompt and equitable resolution of disputes.

Procedures

The School shall annually adopt procedures for the Education of Children with Disabilities as approved by the Ohio Department of Education Office of Exceptional Children in **Appendix 227-A**.

*20 USC 1412; 34 CFR 300.220.*

## **227.1 Child Find**

The School supports and complies with all applicable federal and state laws, procedures, and policies regarding the School's child find responsibilities. The School will conduct all child find activities for students who are enrolled in the School (its geographical area) so that they are appropriately located, identified and referred for evaluation. Parents or guardians have the right to review their child's records and refuse permission to release information (except as required by, or permitted by, law to be released).

Pursuant to Ohio law, the School is required to perform the same child find duties as city, local, exempted village school districts and will endeavor to adhere to its responsibilities in a manner that does not duplicate the duties of the city, local, or exempted village school districts.

A Child Find Notice shall be published in a newspaper of general circulation in the geographic area covered by the identification activity before any major identification activity.

See the Child Find Notice in **Appendix 227.1-A** and the Parent Notification of Scholarship Programs for Students with Disabilities in **Appendix 227.1-B**.

*20 USC 1412 et seq.; OAC 3301-51-03.*

## **228                    Section 504 of the Rehabilitation Act of 1973**

Under Section 504 of the Rehabilitation Act of 1973 and its implementing regulations, no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Board of Directors does not discriminate in admission or access to, participation in, or treatment, or employment in, its programs or activities. As such, the Board's policies and practices will not discriminate against employees and students with disabilities, will provide equal opportunity for employment, and will make accessible to qualified individuals with disabilities its facilities, programs, and activities. No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the School.

As used in this policy, “an individual with a disability” means a person who has, had a record of, or is regarded as having a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

With respect to employment, a qualified person with a disability means a disabled person who, with reasonable accommodation, can perform the essential functions of the job in question.

With respect to public preschool, elementary, and secondary educational services, a qualified person with a disability means a disabled person:

- A. who is of an age during which nondisabled persons are provided educational services;
- B. who is of any age during which it is mandatory under Ohio law to provide educational services to disabled persons; or
- C. to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

With respect to vocational education services, a qualified person with a disability means a disabled person who meets the academic and technical standards requisite to admission or participation in the vocational program or activity.

### **OFFICER**

The Principal is the School’s Section 504 Compliance Officer. The Compliance Officer is responsible for coordinating the School's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act. The Compliance Officer will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the School's adopted grievance procedure, and will attempt to resolve the grievances.

### **GRIEVANCE PROCEDURE**

The grievance procedure shall follow these steps:

1. The grievant will file a written complaint, stating the specific facts of his/her grievance and the alleged discriminatory act, with the Section 504 Compliance Officer within fifteen (15) calendar days of the conduct alleged to be in violation of Section 504.
2. The compliance officer shall make all reasonable efforts to resolve the matter informally.

## Maritime Academy Governing Board Policies

3. In the event the complaint cannot be resolved informally, the Compliance Officer will investigate the matter and will provide a written copy of his/her determination to both parties.
4. The grievant may appeal the determination of the compliance officer to the Board or a committee of the Board within ten (10) calendar days of the receipt of the Compliance Officer's determination. The appeal shall be in writing and attached to copies of the original complaint and the written determination of the compliance officer. The Board or its designated committee may, in its discretion, convene a hearing at which the parties may present testimony and argument.
5. The Board shall provide both parties with a written decision.

Employees of the School shall be informed that a complaint may be filed without fear of reprisal from the Board or any of its employees or agents. The grievant shall be notified of his/her rights of appeal at each step of the process, and accommodations to the needs of disabled grievant shall be made. A grievant shall be informed of his/her right to file a formal complaint under Section 504.

A complaint regarding the identification, evaluation, classification, or educational program of an educationally disabled student shall be reviewed in accordance with the School's Special Needs policy.

### Evaluation and Compliance

The Principal or his/her designee shall evaluate School programs and practices on nondiscrimination, in accordance with law, and report evaluations to the Board. The Principal or his/her designee shall submit such assurances of compliance as are required by law.

A complainant who believes there is a basis for a grievance related to the Rehabilitation Act may file a written complaint with the Office for Civil Rights, U.S. Department of Education, 600 Superior Ave. East, Ste. 750, Cleveland, Ohio 44114-2611. Any such written complaint must be filed within the earlier of (i) 30 days from the date of the Board's decision, or (ii) 90 days from the date the complainant made his or her complaint to the compliance officer.

### Employment Practices

#### Discrimination Prohibited

In accordance with Section 504/ADA, no qualified individual with a disability shall, on the basis of disability, be subjected to discrimination in employment under any of the School's programs or activities. Further, the Board will take positive steps to employ and advance in employment qualified individuals with disabilities. The Board will not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

#### Reasonable Accommodation

The Board will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose an undue hardship on the operation of the School's program and/or activities.

### Facilities

No qualified person with a disability will, because the School's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

The School is committed to operating its programs and activities so that they are readily accessible to person with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. Programs and activities will be designed and scheduled so that the location and nature of the facility or area will not deny a student with a disability the opportunity to participate on the same basis as students without disabilities. The School will meet its obligation through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, alteration of existing facilities and/or construction of new facilities, or any other method that results in making its programs and activities accessible to persons with disabilities. In choosing among available methods for meeting its obligations, the School will give priority to those methods that serve persons with disabilities in the most integrated setting appropriate.

### Education

The Board is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who are disabled within the definition of Section 504, regardless of the nature or severity of their disabilities. The Board recognizes and acknowledges that students may be disabled and eligible for services under Section 504 even though they do not qualify for or require special education and/or related services pursuant the IDEIA. Students eligible for services under the IDEIA will be served under existing special education programs.

If a student has a physical or mental impairment that significantly limits his/her learning, but does not require specially designed instruction to benefit educationally, the student will be eligible for reasonable accommodations and/or modifications of the regular classroom or curriculum in order to have the same access to an education as students without disabilities. Such accommodations and/or modifications will be provided pursuant to a Section 504 Accommodation Plan.

If a student has a physical or mental impairment, but it does not significantly limit his/her learning, the student will not be entitled to a Section 504 Accommodation Plan, but s/he may still be eligible for a "Classroom Accommodation."

Parents/guardians/custodians are invited and encouraged to participate fully in the evaluation process. If the parents disagree with the determination made by the School's professional staff, they may request a hearing with an impartial hearing officer.

The Board is committed to educating (or providing for the education of) each qualified person with a disability who resides within the School with persons who are not disabled to the maximum extent appropriate to the needs of the person with disabilities. Generally, the School will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. If the School places a person in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home.

## Maritime Academy Governing Board Policies

The School will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interests groups or clubs sponsored by the School, referrals to agencies that provide assistance to persons with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods, and nonacademic and extracurricular services and activities, including those listed above, the School will verify that persons with disabilities participate with persons without disabilities in such activities and services to the maximum extent appropriate to the needs of the person with a disability in question.

Notice of the Board's policy on nondiscrimination in employment and education practices and the identity of the School's Section 504/ADA Compliance Officer will be posted throughout the School.

The Board directs the Principal to prepare administrative guidelines for facilitating the prompt, fair and appropriate identification, referral, evaluation and placement of students with disabilities who qualify for accommodations under Section 504. The Board will provide in-service training and consultation to Staff Members on the education of persons with disabilities, as necessary and appropriate.

The Board will adopt a system of procedural safeguards that will provide for prompt and equitable resolution of complaints alleging violations of Section 504/ADA. Due process rights of students with disabilities and their parents under Section 504 will be enforced.

*29 C.F.R. Part 1630; 34 C.F.R. Part 104; 29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended; 42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990*

See also Policy 275.1 Disciplining a 504 Student.



## **229 Child Abuse and Neglect**

Because of their sustained contact with school-age children, teachers and other employees are in a position to identify abused or neglected children. The School requires that every elementary, middle, and high school teacher, counselor, psychiatrist, nurse, or administrator complete at least four (4) hours of in-service training in child abuse prevention, school safety, violence prevention, human trafficking, substance abuse prevention, the promotion of positive youth development, and suicide awareness within two (2) years of commencing employment in the School, and every five (5) years thereafter. The School may develop its own curriculum or adopt the curriculum developed by the Ohio Department of Education for the in-service training. The School shall maintain records of staff participation in in-service child abuse detection.

Every School official, School employee, or employee assigned to the School who knows or has reasonable cause to suspect based on facts that would cause a person in a similar position to suspect that a student under eighteen (18) years of age or under twenty-one (21) years of age with a developmental disability or physical impairment has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the student shall immediately report that knowledge or suspicion, by telephone or in person, to the public Children's Services Agency or local law enforcement agency. She or He shall also notify the Principal or his/her designee.

All suspected cases are to be reported even if documentation is not available. The law provides protection for the reporting person who acts in good faith.

If the agency or officer receiving the report requests a written report, the Principal or his/her designee shall provide a written report containing the following information:

1. The names and addresses of the student and the student's parents or the person or persons having custody of the student, if known;
2. The student's age and current condition;
3. The nature and extent of the student's known or reasonably suspected or believed injuries, abuse or neglect, or of the known or reasonably suspected or believed threat of injury, abuse, or neglect, including any evidence of previous injuries, abuse, or neglect; and
4. Any other information that might be helpful in establishing the cause of the known or reasonably suspected or believed injury, abuse, or neglect, or of the reasonably suspected or believed threat of injury, abuse, or neglect.

In addition, the Principal or his/her designee may take color photographs of areas of trauma visible on the student and include them with the written report.

"Sexting" is a term applied to creating, receiving, exchanging, sending, or possessing a photograph or other material showing a minor in a state of nudity, and sexting is prohibited, regardless of whether any child pornography laws are violated. Students, parents, and/or the police may be contacted and sexting may be reported as suspected child abuse or neglect.

If the School has notified Student's parents or guardian of a potential threat of Student suicide, and the School has reasonable cause to suspect based on facts that the Student's parents or guardians have disregarded the reported threat, the School shall immediately report that knowledge or suspicion, by telephone or in person, to the public Children's Services Agency or local law enforcement agency.

## Maritime Academy Governing Board Policies

The identity of the reporting person shall be confidential, subject only to disclosure by consent or court order. Information concerning alleged child abuse of a student is confidential information and is not to be shared with any unauthorized person. A staff member who violates this policy may be subject to disciplinary action and/or civil and/or criminal penalties.

The Principal or his/her designee should be mindful of the possibility of physical or mental abuse being inflicted on a student by an employee. Any such instances, whether real or alleged, should be reported to the Principal or his/her designee who will investigate and take appropriate action in accordance with Board directives.

A report made under this policy is confidential under Ohio law. No person may disclose the contents of any report made under this policy except as provided above.

*Failure to make a report required by this section, or unauthorized disclosure of the contents of a report made under this section, may result in disciplinary action against the employee.*

*R.C. 2151.421; R.C. 3319.073.*

See also Policy 234 Electronic Communication Devices, Policy 271 Student Code of Conduct, and Policy 424.1 Student Suicide.

**230                    Notice of Policy Changes**

From time to time, policies, rules, and regulations may be changed. The Principal or his/her designee or the Board will provide notification of changes and/or notice will be posted in the common area of the School's facilities.

**231 Policy Manual Distribution and Maintenance**

This manual is intended to be a useful guide to all members of the Board, the administration, all personnel employed by the School or a Management Company, if any, the students of the School, and to the public.

All Policies shall be considered public records and shall be open for inspection in the Board offices and in the office of the Principal or his/her designee during regular office hours.

## **232 Technology and Internet Acceptable Use**

**The use of technology and computer resources at the School is a revocable privilege. Failure to abide by this policy may render you ineligible to use the School's computer facilities and may bring additional disciplinary action.**

All users are expected to use the technology available at the School in a manner appropriate to the School's academic and moral goals. Technology includes, but is not limited to, cellular telephones, beepers, pagers, radios, CD/MP3/DVD players, video recorders, video games, personal data devices, computers, other hardware, electronic devices, software, Internet, email, and all other similar networks and devices. Users are expected to be responsible and use Technology to which they have access appropriately. Obscene, pornographic, threatening, or other inappropriate use of Technology, including, but not limited to, email, instant messaging, web pages, and the use of hardware and/or software which disrupts or interferes with the safety and welfare of the School community is prohibited, even if such uses take place after or off School property (i.e., home, business, private property, etc.).

**Failure to adhere to this policy and the guidelines below will result in disciplinary action as outlined in the Student Code of Conduct.**

Unacceptable uses of Technology/Internet include but are not limited to:

1. Violating the conditions of federal and Ohio law dealing with students' and employees' rights to privacy; trespassing in others' folders, work, or files; copying other people's work or attempting to intrude onto other people's files; or using other users' email addresses and passwords.
2. Using profanity, obscenity, or other language which may be offensive to another user; sending messages with derogatory or inflammatory remarks about an individual's race, sex, age, disability, religion, national origin, or physical attributes via the Internet or Technology; bullying, insulting, intimidating, or attacking others; or transmitting any material in violation of federal or state law.
3. Accessing profanity, obscenity, abusive, pornographic, and/ or impolite language or materials; accessing materials in violation of the Student Code of Conduct; or viewing, sending, or accessing materials that you would not want instructors and parents to see. Should a student encounter any inappropriate materials by accident, he/she should report it to his or her instructors immediately.
4. Violating copyright laws by illegally downloading or installing music, any commercial software, shareware, or freeware. You are required to strictly comply with all licensing agreements relating to any software. All copyright laws must be respected.
5. Plagiarizing works through the Internet or other Technology. Plagiarism is taking ideas of others and presenting them as if they were original to the user.
6. Damaging Technology devices, computers, computer systems, or computer networks (for example, by the creation, introduction, or spreading of computer viruses, physically abusing hardware, altering source codes or software settings, etc.).
7. Using the Technology or the Internet for commercial purposes or activities, which are defined as offering or providing goods or services or purchasing goods or services for personal use, and include, but are not limited to, the following:
  - a. any activity that requires an exchange of money and/or credit card numbers;

## Maritime Academy Governing Board Policies

- b. any activity that requires entry into an area of service for which the School will be charged a fee;
  - c. any purchase or sale of any kind; or
  - d. any use for product advertisement or political lobbying.
8. Neither the Internet nor any other Technology may be used for any purpose which is illegal or against the School's policies or contrary to the School's mission or best interests.

All users are expected to be responsible, courteous and thoughtful when using Technology and the Internet. Common sense should prevail. The use of the School computer network system should be in support of education and research, consistent with the educational mission or objectives of the School and in accordance with federal law, Ohio law, and the Student Code of Conduct

Students and Staff have no expectation of privacy with respect to the use of Technology, the Internet, intranet, or email. The School monitors the online activities of students. Maintenance and monitoring of the School network system may lead to the discovery that a user has or is violating School policy or the law. Violations of School policy, the Student Code of Conduct, or the law may result in severe penalties, up to and including expulsion.

The School makes no warranties of any kind, either express or implied, that the functions or the services provided by or through the School technology system will be error-free or without defect. The School will not be responsible for any damage users may suffer, including but not limited to, loss of data, interruptions of service, or computer viruses. The School is not responsible for the accuracy or quality of the information obtained through or stored on the School system. The School will not be responsible for financial obligations arising through the authorized use of the system.

In accordance with the Children's Internet Protection Act ("CIPA"), the School has placed a filter on its Internet access as one step to help protect its users from intentionally or unintentionally viewing inappropriate material. The School blocks the categories that are determined to be potentially inappropriate. However, families must be aware that some material accessible via the Internet contains illegal, defamatory, inaccurate, or potentially offensive language and/or images. While the goal of the School is to use Internet resources to achieve educational goals, there is always a risk of students accessing other materials. Parents should be aware of these risks.

The School will educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms. The School will also educate students on cyberbullying awareness and response.

My signature attests that I have read the above Internet Acceptable Use Policy and I agree to abide by it.

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Signature of Parent/Guardian

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Date

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Signature of Student

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Date

OR

ADOPTED 09/09/2024

## Maritime Academy Governing Board Policies

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Signature of Staff Member

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Date

*2001, Pub.L.No. 106-554 §§ 1701 et seq.; 2008, Pub.L.No. 110-385, Title II, 122 Stat. 4096.*

See also Policy 149 Use of Cell Phones; Policy 234 Electronic Communications; Policy 271 Code of Conduct; and Policies 397.1-397.3.

**233                    National and State Mottoes**

The School will accept the donation of copies of the national motto, “In God We Trust” and/or the state motto, “With God, All Things Are Possible,” or the donation of money for the purchase of copies of the mottoes and display such mottoes that meet the following design requirements: (1) the mottoes are printed in durable, poster-quality paper or displayed in a frame; (2) have dimensions of at least 8½ inches by 11 inches; (3) contain no words other than the motto and language identifying the motto as the motto of the United State or Ohio; and (4) contain no images other than appropriate representations of the national or state flag. If the above-stated design requirements are not met, then the Board shall adopt, by a majority vote, a resolution describing the appropriate alternative design requirements.

*R.C. 3313.801.*



## **234                    Electronic Communication Devices**

While on School property, in a School vehicle, or while attending School-sponsored or School-related activities, whether on or off School property, Students shall be permitted to possess and use electronic communication devices, including, but not limited to, cellular phones, beepers, iPods, pagers, radios, CD/MP3/DVD players, video recorders, video games, personal data devices, or other devices deemed to be distractive, provided they observe the following conditions:

1. Devices shall not be used in a manner that disrupts the educational process, or educational mission including, but not limited to, posing a threat to academic integrity or violating confidentiality or privacy rights of another individual. Unless an emergency situation exists that involves imminent physical danger or a certified employee authorizes the student to do otherwise, devices shall be turned off during the School day. They may be stored in the Student's backpack during the School day, but may only be turned on and operated before and after the regular school day.
2. When Students violate this prohibition, they shall be subject to disciplinary action, including but not limited to losing the privilege of bringing the device onto School property. In addition, an administrator may confiscate the device, which shall only be returned to the Student's Parent. All requests to confiscate these items must be complied with in a spirit of cooperation. If, upon confiscation, the School becomes aware of other misuse of the device, or, has a reasonable suspicion of other violations of School policy, the Student may be disciplined for additional violations of this or other School policies. In other words, a Student loses his/her privacy rights in the device and information contained in the device, once a School policy is violated and the device confiscated so long as the School has a reasonable suspicion of misuse.
3. Students are responsible for devices they bring to School. The School shall not be responsible for loss, theft, or destruction of devices brought onto School property.
4. Students shall comply with any additional rules developed by the School concerning appropriate use of electronic communication devices.
5. Students shall not utilize an electronic communication device in a manner that would violate the School's Technology and Internet Acceptable Use Policy or its Student Code of Conduct.
6. Examples of types of prohibited behavior involving electronic communication devices include, but are not limited to:
  - a. text messaging on or off School Property during School hours to or from a student on School Property;
  - b. sexting, which is the act of sending sexually explicit messages or photographs, primarily between mobile phones or other electronic communication devices;
  - c. using digital cameras or camera phones to invade the privacy of others by transmitting unauthorized or derogatory photos or video clips to another person via email, to another camera phone or by posting it on the web;
  - d. using digital cameras, camera phones, or any other device to cheat on examination;
  - e. playing digital games;

## Maritime Academy Governing Board Policies

- f. using digital cameras, camera phones, or any other device to harass or bully another.

See also Policy 229 Child Abuse and Neglect; Policy 232 Technology and Internet Acceptable Use; and Policy 271 Student Code of Conduct.

## **235 Access of Transgender Individuals to Activities, Programs, and Facilities**

The Board wishes to maintain an educational environment that supports the inclusion, safety, and privacy of all students. To that end, the School adopts the following policy and procedures.

### Definitions

Terminology preferences may differ based many factors, including religion, language, race, ethnicity, age, and/or culture. For the purposes of this policy, the following terms shall be defined to mean:

“Transgender” – Having a gender identity that differs from societal expectations based on the individual’s gender assigned at birth. A transgender male refers to an individual that identifies as male but was assigned the sex of female at birth. Conversely, a transgender female refers to an individual that identifies as female but was assigned the sex of male at birth.

“Gender nonconforming” – An individual that does not behave in a way that conforms with the traditional expectations of his/her gender or whose gender expression does not fit neatly into a commonly recognized category of gender.

“Gender identity” – A deeply held and sincere sense or psychological knowledge of one’s own gender. An individual may have a different gender identity than the sex assigned to that individual at birth.

“Gender expression” – The manner in which an individual represents or expresses his/her gender identity. This includes, but is not necessarily limited to, external appearance, characteristics, or behaviors typically associated with a specific gender or sex.

“Gender transition” – The process through which some transgender individuals begin changing his/her gender expression in accordance with his/her gender identity. Gender transitions may include changes in the way an individual dresses, the name and/or pronouns used to identify the individual, or the individual’s physiology.

### Identification of Transgender Students and Gender Transitioning Students

Any assertion made to the School by a student or parent(s) that a student is transgendered will be accepted on case-by-case basis, though acceptance shall not be unreasonably withheld if the School has no reason to believe that the assertion was based on anything other than a sincerely held belief. The School shall not require any medical or mental health diagnosis or treatment threshold as confirmation of a student’s transgender status. Once the School has accepted a student’s transgender status, the School shall take immediate steps to ensure that a transgender student is treated consistent with the terms of this policy.

At the request of a parent or student, the Principal or his/her designee shall meet with the parent(s) and/or student to discuss the School’s role in supporting a student’s gender transition. Students may choose to have their parents participate in the gender transition process, but parental participation will not be required. The School will strive to create a safe and accepting learning environment even if the student’s family is unsupportive of a student’s gender transition. Transgender students may initiate their gender transition at any time.

### Confidentiality and Official Records

The following information shall be kept confidential and shall not be disclosed unless legally required or expressly authorized by the student or the student’s parent or guardian:

## Maritime Academy Governing Board Policies

1. Student's sex, including transgender status;
2. Student's birth name or sex assigned at birth;
3. Medical information related to student's transgender status or gender transition;
4. Other records that may reveal a student's transgender status.

The School shall comply with all legal requirements to use a student's legal name, sex and/or gender pronouns on all official School records. To the extent that it is permitted by law, if a student legally changes his/her name, the School shall permit a student's official educational record to be amended to reflect that change upon receipt of a parental request or a request from an eligible student who has reached the age of eighteen (18).

To the extent that a document is not required to use a student's legal name, sex, and/or gender pronouns, the School will use the name and gender pronouns preferred by the student and that reflect the student's gender identity.

All complaints or disagreements regarding the amendment of a student's educational record shall be handled pursuant to the School's Student Records and Release of Information Policy (Policy 294) and the School's Title IX Grievance Procedures (Policy 222.1). Parents or eligible students shall have the right to insert a written comment statement into a student's educational record regarding any disagreements as to the contents of the record and/or the School's decision not to amend the records.

### Restroom and Locker Room Use

The School may continue to maintain separate restroom and locker room facilities based on sex. All students, including transgender students, may access the restroom and locker room facilities that correspond with the student's gender identity.

The School may provide one or more easily accessible unisex single-stall bathroom(s) for use by any student desiring privacy, regardless of the reason. No transgender student will be compelled to use a unisex or single-stall restroom, locker room, or changing area due to harassment or any other reason, unless all other students are similarly required to do so.

If the School has locker rooms, it will support the inclusion, safety, and privacy of all students, regardless of their gender identity.

### Names, Pronouns, and Appearance

Transgender students will be addressed by the name and pronoun corresponding to the student's gender identity, regardless of whether the student has obtained a court-ordered name or gender change.

School employees shall respect the gender expression of all students and must respect the right of a transgender student to dress in accordance with the student's gender identity. All students must comply with the School dress code, which shall be applied on a gender-neutral basis and will not be selectively or more strictly enforced against transgender students. The School shall not discipline or exclude transgender students from participating in or behaving in a manner that is inconsistent with their gender identity or that does not conform to traditional notions of masculinity or femininity.

### Single-Sex Classes and Other Sex-Specific Activities

## Maritime Academy Governing Board Policies

In the event that the School provides non-vocational single-sex classes and/or extracurricular activities, the School shall allow transgender students to participate in those classes and/or activities consistent with their gender identity.

### Harassment and Bullying

Discrimination, bullying, and harassment on the basis of gender identity or expression is prohibited. Any form of harassment will be addressed pursuant to the School's Anti-Harassment, Intimidation, and Bullying Policy and/or the Title IX Grievance Procedure.

### Activities Requiring Overnight Accommodations

Overnight activities are infrequent occurrences at the School. However, if a School activity requires students to spend the night either at the School or at any other location, the School shall not require a transgender student to stay in single-occupancy accommodations or to disclose personal information unless the same is required of other students.

The School may honor a student's voluntary request for a single-occupancy accommodation.

### Athletics

The School may operate or sponsor sex-segregated athletic teams when selection for such teams is based on competitive skill or when the activity involved constitutes a "contact sport." The School may consider age appropriate, tailored requirements based on sound, current, and researched-based medical knowledge about the impact of a transgender student's participation on the competitive fairness of the sport and the safety of all student participants.

The School will assert its policy to authorities of all athletic programs sponsored by or related to the School to meet these goals.

### Education

It is the desire of the Board that teachers, counselors, coaches, administrators, parents, and students be educated as appropriate regarding transgender sensitivity in relation to students.

**236                    Transportation of Pupils**

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### **236.1 Emergency and Evacuation Procedures**

The School's program of transportation shall promote the safe and efficient movement of students. The School recognizes that many of the dangers referenced in this policy are remote,

#### Handling Medical Emergencies

The bus driver shall be trained in first aid and the bus shall be equipped with a first aid kit. In the event of a medical emergency, the bus driver shall safely stop the bus, place the bus in park setting the parking break, turn off the ignition, and turn on the hazard warning lights. The bus driver shall contact the Principal or his/her designee and, if necessary, shall contact emergency law enforcement/ medical services (by dialing "911"). The bus driver shall administer first aid until first responders arrive. Once the medical emergency has been resolved, the bus driver shall resume his/her route to the School. In the event that a medical emergency prevents the bus driver from continuing his/her route with the bus, the Principal or his/her designee shall arrange for alternate transportation to be provided to students.

#### School Bus Accident

Despite all precautions, the possibility of being involved in a school bus accident cannot be entirely eliminated. In the event that the school bus is involved in an accident, the bus driver shall park the bus and set the parking break, turn off the ignition, and activate hazard warning lights. If the bus becomes disabled on a non-municipal roadway or its shoulder, or if the bus was required to have its headlights on at the time of the accident, the bus driver shall display warning devices to alert any oncoming traffic.

The bus driver shall evaluate the need for medical assistance, applying first aid as needed, and shall immediately contact emergency law enforcement/ medical service and the School Principal or his/her designee. The bus driver shall reasonably attempt to protect the accident scene and shall take all necessary steps to control and direct passengers to the safest location available. The bus driver shall comply with all law enforcement requests and shall complete all necessary accident forms as required.

The Principal or his/her designee shall secure alternate arrangements for the continued transportation of students to the School and for recovering the disabled bus. The Principal or his/her designee shall be responsible for communicating information regarding any school bus accident to parents and the community.

#### Disability of the Driver

In the event that the bus driver becomes ill or suffers an injury or disability while driving the bus, the bus driver shall immediately notify the Principal or his/her designee of the situation. If necessary, the bus driver and/or the Principal or his/her designee may also contact emergency medical services.

If the bus driver's disability is so severe that the bus driver becomes immediately incapacitated and is unable to continue the operation of the bus, the driver shall attempt to safely stop the bus at a parking lot available to the public or on the road's shoulder. The driver shall park the bus setting the parking break, turn off the ignition, and turn on the hazard warning lights. Student's shall not be evacuated from the bus until directed to do so by the Principal or his/her designee or local law enforcement.

The Principal or his/her designee shall secure alternate arrangements for the continued transportation of students to the School and for recovering the disabled bus.

### School Bus Failure

Despite the School's cautious care and operation of its school buses, unpreventable mechanical breakdowns may occur from time to time. If at any time the school bus experiences a mechanical failure, the bus driver shall attempt to pull the bus over to the side of the road or shall seek out another publicly available parking lot in order to park the bus.

The bus driver shall activate the hazard warning lights and shall warning devices on the roadway. The bus driver shall not evacuate the bus, unless the driver reasonably determines that evacuation is necessary for the safety and welfare of the bus passengers. The Principal or his/her designee shall secure alternate arrangements for the continued transportation of students to the School and for recovering the disabled bus.

### Inclement Weather

When weather forecasts indicate that inclement weather is approaching, the Principal or his/her designee shall review roadway conditions and determine if bus routes may be safely traversed. The School may delay the start of the school day, or may excuse students early at the end of the school day if, in the discretion of the Principal or his/her designee, it is determined that such measures are necessary for the safe transport of students.

### Tornado

If the bus driver is alerted to a probable tornado sighting or if the State of Ohio or National Weather Service issues a tornado warning, the bus driver shall immediately notify the Principal or his/her designee and shall take appropriate steps to secure the safety of the passengers on board the bus.

If the bus is located in a rural area at the time of the sighting or warning, the bus driver shall attempt to park the school bus off of the roadway in a place away from large trees, electrical lines, telephone poles or other falling hazards. The bus driver should issue an evacuation order, if safe to do so, and shall direct passengers to move away from the bus, though students should not be permitted to cross the roadway unless the driver determines that it is reasonable safe to do so. If possible, the bus driver shall direct students to seek cover in a ditch, ravine or embankment, taking precautions for any high or swiftly moving water that may be present.

If the bus is near a public facility or private business that is open to the public when the probable tornado is sighted or when the tornado warning is in effect, the bus driver shall immediately park the bus and evacuate its passengers. Passengers shall seek shelter in the nearest building open to the public in a manner consistent with the building's tornado procedures.

Once any threat of tornado has subsided, the bus driver shall check students for injuries or shock and administer first aid, if necessary, and shall contact the Principal or his/her designee for further instructions.

### Student with Weapon

Students are prohibited from bringing weapons to School or on the school bus. If a bus driver discovers that a student is in possession of a weapon, other than a firearm, the bus driver shall contact the Principal or his/her designee when safe to do so. In the event that a student is suspected of or known to possess a firearm, the bus driver shall immediately contact the Principal or his/her designee. If at any time the bus driver reasonably determines that the student poses an immediate threat to himself/herself or others, the bus driver may stop the bus and contact emergency law enforcement (by calling "911"). The bus driver may attempt to confiscate the weapon if the driver reasonably believes doing so will not cause harm to him/her or other students.



## Maritime Academy Governing Board Policies

If a student with a weapon threatens to or becomes violent, the bus driver shall take all reasonable steps to protect himself/ herself and the welfare of all students present on the bus and may evacuate of the bus. The bus driver shall immediately notify emergency law enforcement and the Principal or his/her designee. The bus driver should take reasonable steps to respond to any injuries and administer first aid.

### Assaults

In the event that an assault occurs on the bus, the bus driver shall contact the Principal or his/her designee when safe to do so. The bus driver shall park the bus placing the parking break, turn off the ignition, and turn on the hazard warning lights. The driver shall attempt to quell any disturbance and shall take all reasonable steps to protect himself/ herself and the welfare of all students present on the bus. The driver may evacuate of the bus if the disturbance is likely to jeopardize the safety of students who are not involved in the assault.

The bus driver should take reasonable steps to respond to any injuries and administer first aid and may notify emergency law enforcement or medical care and the Principal or his/her designee if injuries resulting from the assault require medical treatment.

### Unauthorized Attempted Boarding

From time to time the School bus driver may be confronted with argumentative and/or unruly individuals. The bus driver shall attempt to refuse unauthorized persons entrance onto the school bus and may close the bus entrance door in the event that an unauthorized individual attempts to board. The bus driver shall make reasonable efforts to diffuse potentially volatile situations using non-aggressive methods. In the event that the bus driver determines a situation may become dangerous, the bus driver shall proceed safely from the scene if possible, and shall notify the School Principal or his/her designee and, as necessary, local emergency law enforcement, providing a detailed description of the encounter.

### Threats Impeding the Movement of the Bus

When a threat, either inside or outside the bus, impedes the safe movement of the bus, the bus driver shall contact the Principal or his/her designee for further instructions. The bus driver may contact emergency law enforcement in the event that the obstruction poses a physical threat to the welfare of the driver and/or the passengers.

### Evacuations

The Principal or his/her designee who is not the bus driver assigned to the bus route shall annually conduct three (3) emergency exit drills for all students who receive routine transportation services from the School. When conducting emergency exit drills, the Principal shall require that all students practice a) exiting through the entrance door, b) exiting through the rear emergency door, and c) exiting the front half of the bus through the front entrance and the rear half of the bus through the rear emergency door simultaneously. Students shall not carry any items with them when evacuating the bus. After evacuation, students must assemble at a location designated by the Principal or his/her designee that is at least one hundred (100) feet away from the bus.

The bus driver shall remain in the bus during the evacuation drills with the parking break set, bus ignition turned off, and transmission in gear or park. Drills shall be held on School property whenever possible and shall not be conducted on the school bus route.

### Placement of Warning Devices

## Maritime Academy Governing Board Policies

Whenever the school bus is disabled on any traveled portion of a road or its shoulder located outside of any municipality, or at any time when headlights are required to be turned on, the bus driver must place fuse flares, lanterns or reflectors in order to alert other drivers to the bus' stopped location. At least one (1) fuse flare, lantern or reflector must be placed at each of the following locations if the bus becomes disabled:

1. forty (40) paces or approximately one hundred (100) feet in front of the bus;
2. forty (40) paces or approximately one hundred (100) feet behind the bus; and
3. on the traffic side of the bus.

The bus driver shall be solely responsible for the placement of fuse flares, electric lanterns, or red reflectors and shall be placed as to afford ample warning to other users of the roadway.

### Notice

The Principal or his/her designee shall provide training on this policy to all bus drivers in order to ensure that the bus drivers understand the School's emergency and evacuation procedures.

This policy was developed in cooperation with those School employees and contractors whose services would be required in the event of an emergency.

R.C. 4513.28; O.A.C. 3301-83-15.

**SECTION 240**

**STUDENT ADMISSION/GRADING/GRADUATION**

## **241 Admissions and Lottery Standards**

The School is open to any individual entitled to attend school in Ohio pursuant to R.C. 3313.64 or 3313.65, except that admission may be limited to the geographic area and grade or age levels specified in the Community School Contract.

The School will not discriminate in the admission of students to the School on the basis of race, creed, color, disability, sex, intellectual ability, measures of achievement or aptitude, or athletic ability, provided, however, that the School may limit admission to students identified as “at risk” in the Community School Contract. Upon admission of a student with a disability, the School will comply with all federal and state laws regarding the education of students with disabilities.

If there are more applicants than there are spaces, a lottery will be conducted in the following manner:

- Each applicant will be assigned a number;
- The numbers will then be drawn at random by a disinterested third party;
- The first number drawn will be the first new applicant placed on a permanent waiting list and so on until all numbers are drawn;
- Applicants on a permanent waiting list prior to any lottery will retain their position on the waiting list;
- The school may separate the lottery and the waiting lists for each grade or age grouping;
- Students attending the previous year and students who reside in the district in which the school is located will have first preference for a position;
- Secondary preference may be given to siblings of existing students and students who are the children of full-time School Staff, provided the total number of students receiving this preference is less than five percent (5%) of the School’s total enrollment.

*R.C. 3314.06.*

See Policy 206 General Notice of Non-Discrimination, Policy 221 Access to Equal Educational Opportunity, Policy 241.3 Compulsory and Early Kindergarten Admission, Policy 241.5 Enrollment and Residency Policy, and Policy 241.6 Tuition for Out-of-State Students.

**241.1 R.C. 3314.041 Notice**

# N O T I C E

Pursuant to the Ohio Revised Code Section 3314.041, the governing authority of each community school and any operator of such school shall distribute to parents of students of the school upon their enrollment in the school the following statement in writing:

**The Maritime Academy of Toledo is a community school established under Chapter 3314 of the Revised Code. The school is a public school and students enrolled in and attending the school are required to take proficiency tests and other examinations prescribed by law. In addition, there may be other requirements for students at the school that are prescribed by law. Students who have been excused from the compulsory attendance law for the purpose of home education as defined by the Administrative Code shall no longer be excused for that purpose upon their enrollment in a community school. For more information about this matter, contact the school administrator or the Ohio Department of Education.**

## **241.2 Records upon Enrollment**

Newly enrolled student records:

9. Upon entry, a request for records will be made within twenty-four (24) hours from the public or nonpublic elementary or secondary school the pupil most recently attended.
  - a. “Entry” is defined as the beginning of learning opportunities by a student at the School.
10. If the records are not received, a second request and contact with the parent and former school should be made within the first fourteen (14) days by the Principal or his/her designee.
11. If the records are not received within fourteen (14) days of the date of request, or the pupil’s previous school indicates that it has no record of the pupil’s attendance, or if the pupil does not present any one of the following: (1) a certification of birth; (2) 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; (3) an attested transcript of the certificate of birth; (4) an attested transcript of the certificate of baptism or other religious record showing the date and place of birth of the child; (5) an attested transcript of a hospital record showing the date and place of birth of the child; or (6) a birth affidavit, the Principal will contact the former school directly, then the Principal or his/her designee will 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.
12. The School shall not admit any student requesting admission to the School after discharge or release from the custody of the department of youth services until the School is in receipt of (1) an updated copy of the student’s academic transcript; (2) a report outlining the student’s behavior in school while in custody of the department; (3) the student’s current IEP if applicable; and (4) a summary of the institutional record of the student’s behavior.
13. The School shall not deny admission to a child who has been placed in a foster home or in a residential facility (e.g., a group home, child’s crisis care facility, children’s residential center, residential parenting facility with 24-hour care, county children’s home or district’s children’s home) if the child does not present a birth certificate, or a comparable certificate from another state or country, or another document specifically listed above in (3) to attest to the child’s date and place of birth upon registration for admission. Required documentation must be presented within ninety (90) days of the child’s initial entry into the School. If the required records are not produced within ninety (90) days of enrollment the Principal or his/her designee will 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. A student under the care of a domestic violence shelter at the time of initial enrollment shall notify the School of that fact, and the School shall inform the school from which it requests the pupil’s records of that fact.
14. In the event that an order or decree is issued allocating or modifying an allocation of parental rights and designating a residential parent, or that a grandparent power of attorney or caretaker authorization affidavit is executed, that residential parent or grandparent shall provide the School with a complete and accurate copy of the order and any other relevant documentation.

Requests for student records:

15. Upon receipt of a request for student records, the School will comply within two (2) business days.

Maritime Academy Governing Board Policies

16. Copies of the student's records will be made and kept on file.

*R.C. 3313.672; O.A.C. 3301-10-01.*

See also Policy 252 Missing and Absent Children.

**241.3            Intentionally Left Blank**



**241.4 Enrollees Suspended or Expelled Elsewhere**

The school has the authority to recognize and honor the disciplinary suspensions and expulsions imposed by other public schools. A student who has been suspended or expelled from another school district in Ohio may be denied admittance at the School for a period equal to the period of the original suspension or expulsion. The student will be provided an opportunity for a hearing before admittance is denied.

If the student has been expelled or otherwise removed for disciplinary purposes from a public school in another state, the School may deny admittance for the shorter of (1) the period of such expulsion or removal or (2) the period of expulsion or removal which would have been applied had the student committed the same offense in Ohio. Prior to denial of admission, the student will be given an opportunity for a hearing.

*R.C. 3313.66(J)(1)-(2)*

## 241.5 Enrollment and Residency Policy

**Ohio Revised Code section 3313 .648 prohibits incentives to enroll. The School does not offer a monetary payment or other in-kind gift to any student or such student's parent or guardian as an incentive for that student to enroll in the School. The prohibition in this section shall not apply to any books, supplies ,uniform clothing, equipment, or other goods that are necessary to enable a student to participate fully in the course of instruction provided by the School. The Board reserves the right to establish a policy that offers rewards for already enrolled Students in order to support legitimate educational purposes, such as attendance, recruitment or grades.**

The School admits students residing in the home district of Toledo Public Schools and contiguous districts, **OR**, [X] statewide [check one] (“admissions areas”). The School serves grades 6 - 12 and/or ages 11 – 18 (21 if Special Education) as per its Community School Contract with its Sponsor.

A child shall be admitted to the School as a student, if the child’s parent resides in the School’s admission areas. Residency is not determined solely by where the parents own or rent a home or an apartment, but rather by where the primary residence is and where substantial family activities take place. Any two (2) of the following documents can be used to establish proof of residency for verification of a child’s ability to be enrolled. These items must be current, be in the parent’s name, and include a street address. A post office box address cannot be used to validate residency records:

- a. A deed, mortgage, lease, current home owner’s or renter’s insurance declaration page, or current real property tax bill; or
- b. A utility bill or receipt of utility installation issued within ninety days of enrollment; or
- c. A paycheck or paystub issued to the parent or student within ninety days of enrollment that includes the address of the parent’s or student’s primary residence; or
- d. The most current available bank statement issued to the parent or student that includes the address of the parent’s or student’s primary residence; or
- e. Documented affirmation of the parent’s address from the district of residence where the parent currently resides; or
- f. Notarized affirmation of current address from parent or student if over age 18; or
- g. A USPS return receipt from a certified letter sent to the parents by the district of residence; or
- h. Written confirmation of the parent’s current address from the Ohio Department of Job and Family Services; or
- i. Written confirmation of the parent’s current address from a local law enforcement agency; or
- j. Any other official document issued to the parent or student that includes the address of the parent’s or student’s primary residence and as approved by the Ohio Superintendent of Public Instruction.

If there is a change in the location of the parent or student’s primary residence, the student’s parent must notify the School immediately.

## Maritime Academy Governing Board Policies

The School shall monthly review the residency records of students enrolled in the School and shall provide an annual verification to the Ohio Department of Education that students are entitled to attend the School. Notwithstanding anything contrary in this policy, after a student's initial submission of one of the approved proof of residency records for enrollment purposes, the School may utilize either: two (2) newly submitted proof of residency documents listed in (a) through (j), or one (1) signed parent statement identifying the student's primary home address in order to conduct the monthly and annual verification. The Principal or his or her designee will compare each submitted proof of residence with the School's EMIS records to ensure that EMIS reporting is accurate that students are permitted to enroll.

All custody or court orders pertaining to the family or student must be turned in when asked, or at admission. If the School and Parent disagree as to residency status, the Superintendent of Public Instruction shall determine the public school in which the student may enroll. If the School and the Student's home district (district of residency) disagree about residency, this policy shall supersede any policy concerning the number of documents for initial residency verification adopted by the student's home district. If the district of residence challenges the student's residency, the Principal may request additional documentation from the Parent, which may be provided to the student's home district.

*R.C. 3314.03(A); R.C. 3314.11; R.C. 3313.64(B)(1); R.C. 3313.64(K)*

See also Appendix 241.5-A Residency Verification Procedures; Appendix 241.5-B Monthly Residency Verification Report; Policy 204.8 Migrant Students; Policy 241 Admissions and Lottery Standards; Policy 241.3 Compulsory and Early Kindergarten Admissions; Policy 252 Missing and Absent Children; Policy 294 Student Records and Release of Information; Policy 297 Homeless Children and Youth Policy; and Policy 298 Grandparent Caretaker Policy.

**241.6 Tuition for Out-of-State Students**

The Board may open admission to the School on a tuition basis to any individual age eleven (11) to twenty-one (21) who is not a resident of Ohio, to the fullest extent allowed under state and federal law, and it may set or revise such tuition amount by Board resolution.

*R.C. 3314.06.*

## **242 Student Assessment and Academic Prevention/Intervention Services**

State-Mandated Assessments. The School shall administer State-mandated assessments (e.g., diagnostic assessments and achievement tests) to Students at the times designated by the State Board of Education. The School may, for medical reasons or other good cause, excuse a Student from taking a State-mandated assessment on the date scheduled, but any such assessment shall be administered to such excused Student not later than nine (9) calendar days after the last regularly scheduled test administration date. The School shall annually report to the State Board of Education, not later than June 30, the number of Students who have not taken one or more of the State-mandated assessments.

The Superintendent or his/her designee shall administer State-mandated assessments and submit the assessments to the entity with which the Ohio Department of Education contracts for the scoring of the tests, in accordance with Ohio law.

Beginning with students who enter the ninth grade for the first time on or after July 1, 2022, the parent or guardian of a student may elect not to have a nationally standardized assessment administered to that student. In that event, the School shall not administer the nationally standardized assessment to that student.

Diagnostic Assessments are assessments aligned with the Ohio academic content standards and model curriculum designed to measure student comprehension of academic content and mastery of related skills for relevant subject areas. Diagnostic assessments shall be administered by the School at least once annually for grades levels kindergarten through second grade in reading, writing, and mathematics, and for grade three in reading and writing to the following students:

- Any Student who transfers to the School if his/her former school did not administer each applicable diagnostic assessment to the Student in the current school year (must be administered within thirty (30) days from the date of transfer).
- Previously home-schooled Students enrolling at the School will be given a diagnostic assessment in order to determine their appropriate grade level placement.
- Each kindergarten student will complete the readiness assessment. The School shall administer the readiness assessment not earlier than the first day of the school year and not later than the twentieth day of instruction of the school of that year. The language and reading skills portion of the assessment must be administered by September 30 of that year.
- As required pursuant to the Third Grade Reading Guarantee. See Policy 245 Promotion and Retention Policy.

Social Studies Assessments are to be administered in at least the fourth (4<sup>th</sup>) and sixth (6<sup>th</sup>) grades. Assessments used for such purposes shall be determined by the School, and may be formative or summative in nature. The School shall not report the results of social studies assessments to the Ohio Department of Education.

Academic Prevention/Intervention Services. The School shall provide intervention services commensurate with the student's performance in pertinent subject areas to students who score below the proficient level on a reading, writing, mathematics, or science proficiency or achievement test or who do not demonstrate academic performance at their grade level based on the results of a diagnostic assessment.

If the School has a three-year average graduation rate of less than seventy-five percent (75%), then the School shall provide intervention services commensurate with the student's performance to

## Maritime Academy Governing Board Policies

any student whose results on the Ohio Graduation Test practice assessment indicate that the student is failing to make satisfactory progress toward being able to attain scores at the proficient level on the Ohio graduation tests. The School shall provide the intervention services prior to the end of the school year, during the summer following ninth grade, in the next succeeding school year, or at any appropriate combination of those times.

Testing Time Limitations. Starting in the 2017-2018 school year, the School shall ensure that no student is required to spend more than two percent (2%) of the school year, cumulatively, taking State-mandated or other School-required assessments or spend more than one percent (1%) of the school year, cumulatively, taking practice or diagnostic assessments. The School may exceed these limitations by resolution of the Board, provided that the Board first conducts at least one public hearing on the proposed resolution.

These time limitations do not apply to:

- Assessments for students with disabilities;
- Related diagnostics for students who did not obtain a passing score on the third grade English language arts achievement assessment;
- Substitute advanced placement or international baccalaureate examinations; or
- Additional assessments administered to identify a student as gifted.

Recordkeeping. The School shall keep records for each student that include the following:

- A unique state student identification code or student data verification code in accordance with R.C. 3301.0714(D)(2);
- A list or designation of which assessments are required and which assessments are not required;
- A list or designation of which assessments, required or not required, are taken and which assessments are not taken during each assessment administration period;
- A score for each assessment taken, whether required or not required;
- Whether or not each student attained the requisite performance standard designated for each required assessment;
- What, if any, assessments must still be taken;
- Whether or not intervention must be provided; and
- For each test required for graduation, the date passed shall be recorded on the student's transcript. No information regarding a test not passed shall be on the student's transcript.

After the administration of any diagnostic assessment and upon a Parent's request, the School shall provide a Student's completed diagnostic assessment, the results of such assessment, and any other accompanying documents used during the administration of the assessment to the Student's Parent.

Retention. No results from required statewide assessments shall be used as the sole basis for determining whether or not to promote a student from grade to grade, except as specified in the Third Grade Reading Guarantee. However, the School may choose not to promote to the next grade level any student who does not take a State-Mandated Assessment if the student is not exempt from the requirement to take assessments.

Summer Remediation Services. Instruction will be developed and offered by the School during the summer to any student who failed to score at the proficient level on a third grade reading achievement test or a diagnostic assessment.

Superintendent Duties. The Superintendent or his/her designee shall develop an assessment system that includes:

## Maritime Academy Governing Board Policies

- The administration of state-mandated assessments;
- Regular assessments of student performance;
- Multiple and appropriate assessments that will be used to measure student progress;
- Assessment practices that conform to current professional standards for validity and reliability; and
- Sharing information with parents, students, and the community regarding assessment purposes and results.

The Superintendent or his/her designee shall also develop:

- Procedures for using diagnostic assessments to measure student progress in accordance with academic standards;
- A plan for the design of classroom-based intervention services to meet the instructional needs of individual students as determined by the results of the diagnostic assessments;
- Procedures for the regular collection of student performance data; and
- Procedures for using student performance data to evaluate the effectiveness of intervention services and, if necessary, to modify those services.

Students with Disabilities. All identified students with disabilities in the School shall be considered for participation in State-mandated testing. The extent of the student's participation shall be determined by the IEP/504 team. The IEP/504 plan developed for the student must specify the manner in which the student will participate in the state achievement assessments. All students shall participate in diagnostic assessments except those with significant cognitive disabilities or other disabilities as authorized by the Ohio Department of Education on a case-by-case basis.

This policy shall be reviewed and updated annually.

*R.C. 3301.0710-.0711, 3301.0715, 3301.0729, 3313.608, 3313.6012, OAC 3301-13 et seq. and 3301-35 et seq.*

See Appendix 242-A Assessment and Academic Prevention/Intervention Services Procedures. See also Policy 242.2 Alternate Assessments for Students with Disabilities; Policy 245 Promotion and Retention Policy; and Appendix 243-A Individual Student Assessment Recordkeeping Chart.

## **242.1 Security Provisions for Statewide Assessment Tests**

A. Administrative Organization. The Principal or his/her designee will serve as the School coordinator for the Statewide assessments and is responsible for distributing, collecting, and securing (in a locked cabinet or closet) all testing materials while they are in the School and appointing specific staff members to serve as test examiners.

Examiners are responsible for distributing, administering, proctoring, collecting, and securing all test materials while they are in their possession.

The Principal or his/her designee and other staff members specifically designated to administer the tests are the only persons authorized to have access to the test materials or to be present in the testing room(s).

B. Security and Ethical Use of Test Materials. Achievement tests and all material developed for use for testing in any form (except practice tests) are “secure materials.” All testing examiners and classroom teachers giving the test must follow these provisions, as well as the provisions of established by the Ohio Department of Education. It is unethical and illegal to: (1) alter a Student’s responses or assist a Student in cheating in any way; (2) use, or help others to use, any secure materials to prepare Students for the test or to assist Students who have failed the tests; (3) reproduce any secure materials; (4) release secure materials to Students, parents, or any other individual or group.

C. Test Security Violations. All staff members are encouraged to voice any concern about any practice they consider unethical and/or inappropriate by reporting the alleged unethical activity to the Principal or his/her designee in writing. Any alleged test security or ethical violation will be investigated by the Principal or his/her designee. If it is determined that a violation occurred, any of several consequences may follow:

- A. All security or ethical breeches must be reported to the Ohio Department of Education within ten (10) days of any violation.
- B. One or more answer sheets may not be scored.
- C. The Board, after appropriate procedures are followed, may terminate or otherwise discipline an employee found guilty of a violation.
- D. The State Board of Education, following appropriate procedures, may seek the suspension of an educator’s license certificate.
- E. A law enforcement agency, following an appropriate investigation, may prosecute under Ohio’s criminal code.

Prior to commencing an Ohio Department of Education investigation and taking action as a result of an allegation of a test security violation, the State Board of Education will provide the individual with notice of the allegation and an opportunity to respond and present evidence.

D. Building Administration. All coordinators and examiners are responsible for ensuring that all test security provisions are followed while the test materials are at the School. All test coordinators and classroom teachers giving the test must read the Directions for Administration and Rules for Testing prior to the testing dates. All test coordinators must keep these booklets on file. The tests will be serially numbered and wrapped in sealed packages when they arrive at the test sites. The testing coordinator is to open the sealed packages at the appropriate time, check and verify in writing the accuracy and receipt of all test materials, and prepare the test booklets. Since testing coordinators are required to account for and return all materials, they must carefully track the



materials before, during, and after test administration. This responsibility includes the timely packing and shipping of all used materials and transporting any unused materials to the Principal or his/her designee for shipment. Careful written recordkeeping and thorough rechecking are essential throughout the testing process.

E. Final Accounting of Missing Materials. Whenever possible, testing materials are computer scanned before they are shipped to the School and scanned again after they are returned to the testing company. Should any testing materials be unaccounted for after testing materials are returned to the testing company, the Principal or his/her designee, along with the appropriate examiner(s), will conduct a thorough investigation. If, after the investigation of all written records, the materials are still unaccounted for, the Principal or his/her designee will report his/her findings to the Ohio Department of Education. If further investigation should occur, the individual(s) involved will be provided with an opportunity to respond to the charges and present a defense.

F. Communication of this Policy with Students and Staff. By the first of October each school year, the Principal will ensure that this policy is handed out to and discussed with students participating in the assessments, as well as staff members who administer the assessments, are authorized to be in the assessment room, and/or who have access to the assessment materials. Students and staff shall be reminded orally prior to each test administration period.

G. Participation of Students with Disabilities. Students with disabilities participate in the Statewide assessments, with appropriate accommodations, as necessary. Decisions about how a Student with a disability will participate in any statewide assessment program will be made by the IEP team. The IEP developed for a disabled student must specify the manner in which the student will participate in the state achievement assessments. See Policy 242.2 Alternate Assessments for Students with Disabilities.

H. Participation of English Learners. Students that are English learners participate in the Statewide assessments according to the applicable rules and laws. They may receive approved accommodations following consultation with their instructor.

*OAC 3301-7-01; OAC 3301-13-05*

See Appendix 242.1-A Standards for the Ethical Use of Tests.

## **242.2        Alternate Assessments for Students With Disabilities**

All students with disabilities are required to participate in state assessments as determined annually by the student's IEP and/or Section 504 team. The IEP or 504 Plan developed for a disabled student must specify the manner in which the student will participate in the state tests.

### **A. Regular Assessments With Accommodations**

For each student with a disability who takes a test that is administered to nondisabled students, the School shall include that information in the student's IEP or document that information in writing for a Section 504 student ("504 Plan"), and provide the student with any appropriate accommodations pursuant to this policy. Any accommodations shall meet all of the following criteria specified below:

1. The accommodation is specified in the student's IEP or 504 Plan and is provided for classroom and schoolwide tests.
2. The accommodation does not change the content or structure of a test.
3. The accommodation does not change what type of knowledge or skill that a test is intended to measure.
4. The accommodation does not change or enhance the student's response as to what type of knowledge or skill is intended to be assessed, but it facilitates how the response is provided or assessed.

### **B. Alternative Assessments**

A student's IEP and/or 504 team may excuse a student with a disability from taking any particular test that is administered to nondisabled students during any school year. An excused student with a disability shall participate instead in an alternate assessment approved by the Ohio Department of Education pursuant to federal law. Each excuse from participating in general education tests administered to nondisabled students and the reason for the excusal shall be documented in a student's IEP or 504 Plan. The reasons for excusal shall state why the particular alternate assessment selected is appropriate for the student and why the student could not participate in the general education test. Accommodations may be used in accordance with the criteria provided in Part A of this Policy, unless specifically provided by the Ohio Department of Education.

Any student excused from taking a general education test who nevertheless wishes to take a general education test, may do so, and if that student meets at least the proficient level of performance, the student's transcript will show that the performance standard was met. Accommodations provided in accordance with Part A of this policy may be used when students elect to take a general education test.

Any student with a disability who is excused from taking a required test and instead takes an alternate assessment, may be provided accommodations as determined by the student's IEP team, unless the accommodation is prohibited by the Ohio Department of Education.

Required state test pass rates used to determine school and building performance include, to the maximum extent allowed by state and federal law, all the results of those who take tests without any accommodation; those who take tests with accommodations that meet the criteria of this policy; and those who are excused under this policy and instead take alternative assessments.

Any student with a disability who otherwise has completed an IEP program but has not received a diploma due to not having passed a required test may take any test required for graduation at any time it is administered in any school.

Maritime Academy Governing Board Policies

*R.C. 3301.0711; OAC 3301-13-03.*

See Appendix 242.2-A Guidelines for Participation in Ohio's Alternate Assessment for Students with Disabilities.

## **243                    Reporting Student Progress and Grades**

The School will utilize a range of assessment methods to judge student performance. The School recognizes its responsibility for providing a system of grading student achievement that can help the student, teachers and parents judge properly how well the student is achieving the goals of the School's Program. See also Policies 203 to 203.5 on Parent Involvement.

The Board believes that the School's grading system should be a reliable system and one that ensures each student's grades signify accurately his/her degree of accomplishment of those expected learning goals which are to be stated for each program at every grade level, kindergarten through 12.

The Principal or his/her designee shall develop procedures for grading which:

1. Have clear, consistent criteria and standards particularly when grades are based on subjective assessment;
2. Help each student understand in each course or program what behavior and/or achievement is needed to earn each grade as well as what will produce a failing grade; and
3. Provide frequent opportunities for each student to obtain information as to his/her progress toward the learning goals of his/her courses or programs.

The teacher responsible for a student's instruction in a particular course or program shall determine the student's grade. That grade may not be changed without the permission of the Principal or his/her designee.

**244                    Graduation Requirements**

Students must meet both curriculum and graduation testing requirements in order to earn an Ohio high school diploma. See **Appendix 246-A** for Ohio graduation requirements.

See Appendix 246-A What It Takes to Earn an Ohio High School Diploma.

### **244.1 Graduation Requirements- Classes of 2018, 2019 and 2020 Only**

The School expects that most students will graduate by meeting one of the four (4) existing pathways to graduation. However, as a result of changes to graduation assessment requirements, the School acknowledges that not all students will be successful in meeting the new testing standards required by law. For this reason, so long as students take and pass required curriculum courses and complete all end-of-course exams\*, students shall be eligible to earn a high school diploma without achieving the required cumulative passing score on end-of-course exams, if either:

1. Students meet at least two of the following:
  - Students who enter ninth grade for the first time between July 1, 2014 and June 30, 2016 (“Classes of 2018 and 2019”), an attendance rate of 93% during the 12<sup>th</sup> grade year;
  - Earn a GPA of 2.5 on a 4.0 scale in all courses completed during the 12<sup>th</sup> grade for the Classes of 2018 and 2019, and a 2.5 on a 4.0 scale in all courses completed during 11<sup>th</sup> and 12<sup>th</sup> grade for students entering ninth grade for the first time between July 1, 2016 and June 30, 2017 (“Class of 2020”) (must complete at least 4 full-year or equivalent courses);
  - Successfully complete a capstone project during 12<sup>th</sup> grade. Student capstones for the Class of 2020 must be evaluated based on the framework that will be developed by the Ohio Department of Education;
  - During 12<sup>th</sup> grade, complete a work or community service experience totaling 120 hours, including internships, work study, co-ops, and apprenticeships as approved by the School. Approval and verification of student work for students in the Class of 2020 must comply with the guidance developed by the Ohio Department of Education and the Governor’s Office of Workforce Transformation;
  - Earn 3 or more transcribed credits through College Credit Plus at any time during high school;
  - Earn credit for an Advanced Placement or International Baccalaureate course and earn an AP exam score of 3 or higher or an IB exam score of 4 or higher at any time during high school;
  - Earn a WorkKeys exam score of 3 on each of the 3 test sections;
  - Earn a State Board-approved industry-recognized credential or credentials that equal at least 3 points; or
  - Meet OhioMeansJobs Readiness Seal requirements.
2. Career-Technical Education students\*\* complete at least 1 of the following:
  - Earn a total score of proficient or better based on all career-technical exams or test modules;
  - Earn an industry-recognized credential or credentials that equal 12 points; or
  - Complete a workplace experience, pursuant to an agreement between the School, the student and the employer, totaling 250 hours with evidence of positive evaluations.

\*If a student receives a score of “1” or “2” on any math or English language arts test, the student must retake the test at least once.

\*\*Students must finish a career-technical program that includes at least 4 courses in a single career pathway.

*Ohio 132nd General Assembly, House Bill 49, Section 733.67; Ohio 132nd General Assembly, House Bill 491, Section 3.*

## **244.2 Physical Education Waiver**

Any student who, during high school, has participated in either two full seasons of interscholastic athletics, marching band, show choir, or cheerleading, or has participated in the junior reserve officer training corps ("JROTC") for at least two (2) full school years, shall not be required to complete any physical education course as a condition to graduate. In lieu of a physical education course, the student shall be required to complete one-half (1/2) unit, consisting of at least sixty (60) hours of instruction, in another course of study. Credit received for participation in the junior reserve officer training corps may be used to satisfy the requirement to complete one-half (1/2) unit in another course of study.

Nothing in this policy denies participation in any physical education course to students who want to participate.

*R.C. 3313.603(L).*

See **Appendix 246-A** What It Takes to Earn an Ohio High School Diploma. See also **Appendix 244-A** Physical Education Waiver Form.

## **245                    Promotion and Retention Policy**

The Board recognizes that the personal, social, physical, and educational growth of children will vary, and that they should be placed in the educational setting most appropriate for their needs at the various stages of their growth. Each student will be moved forward in a continuous pattern of achievement and growth that is in harmony with his/her own development. Parent(s) and students are made aware of the instructional objectives, performance standards, and promotion criteria. Periodically during the year teachers shall provide written progress and grade reports. Teachers will also provide evaluation reports to parent(s) and students during teacher-parent conferences. The grading system used to measure student progress toward achieving the predetermined instructional objectives and performance standards is applied consistently throughout the School. All promotion and retention decisions are subject to the third grade reading guarantee requirements.

### Promotion

A student will be promoted from one grade to the next provided the student meets the applicable promotion criteria. The decision to promote a student shall rest solely with the Principal, with appropriate input from the student's teacher(s), the professional staff, and parent(s).

### Retention

A student is required to be retained if he/she is truant for ten percent (10%) or more of the required school days and has failed at least two (2) courses of study, unless the Principal and the teachers of the failed subjects determine that the student is academically prepared to be promoted.

Additionally, a student shall not be promoted or allowed to pass to a higher grade or course level if the student fails to meet established standards for a particular grade or course level.

Retention decisions will be made only after the Principal or applicable teachers have notified and conferred with parent(s) as to the student's progress or lack thereof. These notifications and conferences will take place as soon as teachers and the Principal identify that a student's promotion could be in jeopardy.

### Factors

Teachers and the Principal will consider at least the following factors in arriving at decisions on promotion or retention. Factors are applicable in all grade levels.

- The student's level of academic aptitude and achievement;
- The student's level of social and emotional development and the student's ability to effectively interact with other students in his/her current grade level;
- The student's attendance patterns (absences, tardies, early checkout, excused, or unexcused) and its effect on the student's progress; and
- Any other factors thought to be appropriate by the Principal, teacher(s), and professional staff.



## **POLICY 246 CORE CURRICULUM REQUIREMENTS**

The School will not utilize a Student's failure to attain a specified score on any statewide achievement assessment as a factor in any decision to deny a Student's promotion to a higher grade level, except that the School may use a Student's failure to attain a score in at least the basic range as a factor in deciding to deny a Student's promotion to the next level on the following assessments:

- 3rd grade math and English language arts achievement assessments;
- 4th grade English language arts and math achievement assessments, and the formative or summative social studies assessment prescribed by the School;
- 5th grade English language arts, math, and science achievement assessments;
- 6th grade English language arts and math achievement assessments, and the formative or summative social studies assessment prescribed by the School;
- 7th grade English language arts and math achievement assessments; or
- 8th grade English language arts, math, and science achievement assessments.

The School may choose not to promote to the next grade level a Student who does not take a required statewide achievement assessment or make-up assessment, and who is not exempt from the requirement to take such assessment.

### Disabled Students

Promotion and retention of previously identified disabled students shall be subject to the factors and policy above, but shall also consider the contents of the student's individualized educational plan (IEP).

### Third Grade Guarantee

The School will not promote any student to the fourth grade who does not achieve at least the level equivalent to the level designated by the Ohio Board of Education unless:

- The student is an English learner who has been enrolled in U.S. schools for less than three full school years and has had less than three years' instruction in an English as a second language program;
- The student is a student with a disability entitled to special education and related services and the student's IEP exempts the student from retention;
- The student demonstrated an acceptable level of performance on an alternative standardized reading assessment as determined by the Ohio Department of Education;
- The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any grades K through 3; or
- All of the following apply:
  - The student is a student with a disability;
  - The student has taken the third grade English language arts achievement assessment;
  - The student's IEP or 504 plan shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading; and

- The student previously was retained in grades K-3.

If a student is promoted despite not attaining the Ohio Board of Education specified level (which may change yearly), the student will continue to receive intensive reading instruction in the fourth grade, including an altered instructional day, specialized diagnostic information, and specific research-based reading strategies that have been successful in improving reading among low performing readers.

If the student is retained, the School shall:

- Provide intensive remediation until the student is able to read at grade-level, including intensive interventions in reading and a minimum of ninety (90) minutes of daily reading, that address the deficient areas; and
- Provide each student with a high-performing teacher, as determined by the teacher's student performance data when available, and performance reviews.

If a student who has been retained demonstrates that he or she is reading at or above grade level, the student may be promoted mid-year to the fourth grade at the Principal's discretion.

### Intervention

Annually, the School will assess the reading skills of each student enrolled in grades 1 to 3 by September 30, and in kindergarten by November 1, and will identify students who are reading below grade level, except those students with cognitive disabilities or other disabilities as authorized by the Ohio Department of Education on a case-by-case basis. The students' classroom teachers shall be involved in the assessment and identification of students reading below grade level, however such assessment may be administered electronically using live, two-way video and audio connections if the teacher administering the assessment is in a separate location from the student.

Beginning with the 2019-2020 school year, the School will do the following for students reading below grade level, or for all students if less than 80% of the students at the School score at the proficient level or higher in the third grade English language arts assessment:

- Provide written notification to the student's parent(s) that includes the following:
  - A statement that the student has been identified as having a substantial deficiency in reading;
  - A description of the current services that are provided to the student;
  - A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;
  - A statement that if the student receives a score within a certain range on the assessment to measure English and language arts skills, the student will be retained unless the student is exempt; and
  - A statement that the assessment is not the sole determinant of promotion and that additional evaluations and assessments are available to assist the School and parent(s) in knowing whether the student is reading at or above grade level and is ready for promotion.

## Maritime Academy Governing Board Policies

- Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency, including research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and targeted at the student's identified deficiencies.
- Develop a reading improvement and monitoring plan within sixty (60) days after receiving the student's results on the diagnostic assessment. The plan must include:
  - Identification of the student's specific reading deficiencies;
  - A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies;
  - Opportunities for the student's parent(s) to be involved in the instructional services and support;
  - A process for monitoring the extent to which the student receives the instructional services and support;
  - A reading curriculum during regular school hours that does all of the following: assists students to read at grade level, provides scientifically based and reliable assessment, and provides initial and ongoing analysis of each student's reading process; and
  - A statement that if the student fails to attain a level designated by the Ohio Board of Education on the assessment to measure skill in English language arts expected by the end of the third grade, the student may be retained in the third grade.

### Teacher Qualifications

Each student with a reading improvement and monitoring plan shall be assigned a teacher who has at least one year of teaching experience and:

- Holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable; or
- Completed a master's degree program with a major in reading; or
- Was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the State Board of Education; or
- Was rated "above expected value added" in reading instruction, as determined by criteria established by the Ohio Department of Education, for the most recent consecutive two years; or
- Earned a passing score on a rigorous test of principles of scientifically research-based reading instruction approved by the State Board of Education; or
- Holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.

The student may be assigned a teacher with less than one year of teaching experience provided that teacher meets one of the above criteria and is assigned a teacher mentor who also meets the qualifications above.

A student with a reading improvement and monitoring plan who enters the third grade after July 1, 2013 but prior to July 1, 2016, a student who is an English language learner and has been in the  
ADOPTED 09/09/2024

United States for three years or less, or a student who has an IEP may be assigned a teacher who holds an alternative credential approved by the Ohio Department of Education or who has successfully completed training based on principles of scientifically research-based reading instruction approved by the Ohio Department of Education. Beginning July 1, 2014, the alternative credentials and training must be aligned with the reading competencies adopted by the State Board of Education.

Nothing in the Third Grade Guarantee prevents a student with a reading improvement and monitoring plan from receiving reading intervention and remediation services from an individual employed as a speech-language pathologist who holds a license issued by the board of speech-language pathology and audiology and a professional pupil services license as a school speech-language pathologist issued by the State Board of Education.

A teacher other than the student's assigned teacher may provide any services required under the Third Grade Guarantee, provided that the teacher meets the qualification requirements and that the assigned teacher and Principal agree to the assignment. Any such assignment of services must be documented in the student's reading improvement and monitoring plan.

#### Reporting Requirement

The School shall annually report to the Department of Education its implementation and compliance with the Third Grade Guarantee.

When a student enrolls in the School, the School will provide the parent(s) with a copy of the most recent School report card.

*R.C. 3313.608; 3313.609; 3301.0710; 3301.0711; 3313.6411(B); 20 USC 1400 et seq.*

## THE MARITIME ACADEMY OF TOLEDO BOARD POLICIES

### **246.1 Core Curriculum Requirements**

The Governing Authority passed a resolution adopting the core curriculum mandated by the Ohio Revised Code for all high school students. The Core Curriculum requirements are found in Appendix 246-A.

Additionally, the English language model curriculum for grades K to 5 instructional materials shall require printed hand\writing by grade 3 and the use of cursive by grade 5.

The School shall notify each student's parents, guardian, or custodian of the student of Ohio's Core Curriculum requirements. The notification shall be in writing and indicate that one consequence of not completing the curriculum is ineligibility to enroll in most state universities in Ohio without further coursework. The Notification is found in Appendix 246-AI

*R.C. 3313.603; R.C. R.C. 3314.03.*

## **Appendix 246-A**

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### **What It Takes to Earn an Ohio High School Diploma**

#### **General Graduation Requirements – Overview**

Ohio Revised Code section 3313.618

Ohio law provides new graduation requirements for students in the classes of 2021 and beyond. Students in the classes of 2021 and 2022 may meet the new requirements or one of the original three pathways that were in place when they entered grade 9. Students in the classes of 2023 and beyond (those who entered grade 9 on or after July 1, 2019) must meet the new requirements.

Ohio's new graduation requirements consist of three key components:

1. **Course Completion** Students will satisfy Ohio's curriculum requirements and any additional local requirements. Students will complete the state minimum 20 units, with specific units required in each content area.
2. **Competency Demonstration** Students will demonstrate competency in the foundational areas of English language arts and mathematics or through alternative demonstrations, which include College Credit Plus, career-focused activities or military enlistment.
3. **Readiness Demonstration** Students will demonstrate readiness for their post-high school paths by earning two seals that allow them to demonstrate important foundational and well-rounded academic and technical knowledge, professional skills, social and emotional competencies, and leadership and reasoning skills. This guidance document outlines each of the components of Ohio's graduation requirements.

#### **Course Completion**

Ohio Revised Code section 3313.603

Ohio law outlines the course requirements all students must complete to earn a diploma. Ohio students must earn a minimum of 20 units in specified subject areas. Districts and schools may have requirements that exceed the state minimums outlined below.

## Maritime Academy Governing Board Policies

General Course Requirements	State Minimum
English language arts	4 units
Health	½ unit
Mathematics	4 units
Physical education	½ unit
Science	3 units
Social studies	3 units
Electives	5 units
Students must receive instruction in economics and financial literacy (in high school) and complete at least two semesters of fine arts* (during grades 7-12).	
<i>*Fine arts may not be required for students in career-tech programs unless it is a component of local course requirements.</i>	

### The Maritime Academy's Course Requirements

General Course Requirements	Maritime Academy Minimum
English Language Arts	4 Units
Health	.5 Unit
Mathematics	4 Units
Physical Education	.5 Units
Science	3 Units
Social Studies	3 Units
Electives	6 Units
Fine Arts	1 Unit
Financial Literacy (Math)	.5 Unit

### ADDITIONAL COURSE CRITERIA BY CONTENT AREA

#### Mathematics

Students must earn four mathematics units, which must include one unit of algebra II or the equivalent of algebra II. Exceptions: Algebra II or advanced computer science are not required for students following career technical education pathways. However, students still must have four units in mathematics. A student may choose to apply one unit of advanced computer science to satisfy one unit of algebra II/math III or equivalent. Districts also may use credit in a computer science course approved by the Department to satisfy a student's mathematics credit.

Notes: Curriculum Choice expired with the class of 2019 and no longer is an option for students. Postsecondary institutions may require algebra II or its equivalent for college admission.

#### Physical Education

ADOPTED 09/09/2024

## Maritime Academy Governing Board Policies

School districts may adopt policies that would exempt students who participate in interscholastic athletics, marching band or cheerleading for two full seasons or an approved Junior Reserve Officer Training Corps (JROTC) program for two years from the physical education requirement. Starting with the 2019-2020 school year, districts may include show choir as a permissible activity as part of the physical education waiver policy. Students satisfying the physical education waiver must take another course of study of at least 60 hours of instruction (1/2 unit).

### **Science**

Science units must include one unit of physical sciences, one unit of life sciences and one unit of advanced study in one or more of the following sciences: chemistry, physics or other physical science; advanced biology or other life science; astronomy, physical geology or other earth or space science. A student can choose to apply one credit in advanced computer science to satisfy one unit of advanced science (excluding biology or life sciences). See the Department's Computer Science Guidance Document for more information.

### **Social Studies**

Students must include one-half unit of American history, one-half unit of American government, and one-half unit in world history and civilizations in the three required social studies units.

### **Electives**

Elective units must include one or any combination of world language, fine arts, business, career-technical education, family and consumer sciences, technology, agricultural education, or additional English language arts, mathematics, science or social studies courses not otherwise required.

Note: While not a state requirement for graduation, many four-year colleges and universities require a minimum of two years of sequential world language study at the secondary level as a college admissions requirement. This is the case for many in-state and out-of-state colleges and universities.

### **Financial Literacy**

Beginning with the class of 2023, all students must earn .5 credit in personal finance as part of their elective options.

### **CPR/AED**

All students must receive instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator from an approved source during Grades 9-12, unless the student is exempted from such training due to disability or by written request of the parent.

### **Demonstrating Competency**



## Maritime Academy Governing Board Policies

### Ohio Revised Code section 3313.618(B)(1)

Students must earn a "competency" score on the English II and algebra I end-of-course tests. Students not earning competency scores on the first attempt must be offered appropriate remediation and supports and retake the test at least once. In lieu of attaining competency scores on the state tests, students can use alternative ways to demonstrate competency.

### **Competency Score**

#### Ohio Revised Code section 3301.0712(B)(10)

Ohio law directed the Department of Education, in collaboration with the Ohio Department of Higher Education and the Office of Workforce Transformation, to establish a competency score on the English language arts II and algebra I end-of-course tests. The Ohio Department of Education, after gathering feedback from education stakeholders and business communities of Ohio, determined that "competency" would be set at a score of 684 for both the English language arts II and algebra I tests





## **247 Credit Flexibility Policy**

The Board recognizes that an effective educational program is one that provides opportunities for students to customize aspects of their learning around their respective needs and interests. Credit Flexibility is one method to motivate and increase student learning by allowing access to more resources, customization around individual student needs, and the use of multiple measures of learning.

Credit Flexibility allows students to earn units of high school credit and course credit based on an individually approved Credit Flexibility Plan. The intent of credit flexibility is to meet increased expectations for high school graduation in response to globalization, technology and demographics, and to meet the demand for 21st Century skills.

In accordance with State law, the School must develop and implement a Credit Flexibility Plan that enables students to earn high school credit by:

1. completing coursework;
2. testing out or showing mastery of course content;
3. pursuing an educational option and/or an individually approved option; and/or
4. any combination of the above.

The School may integrate academic content from multiple subject areas into a single course, including a career-technical course, in accordance with Ohio Department of Education standards. Upon successful completion of an integrated course, a student may receive credit for both subject areas that were integrated into the course. If an end-of-course exam is required for the subject area(s) delivered through integrated instruction, the School may administer the relevant subject area assessment(s) upon the completion of the integrated course.

The Principal and/or designee develops the School's Credit Flexibility Plan consistent with the provisions of the regulation contained in **Appendix 247-A**. Also, the School's Credit Flexibility Plan can be found in **Appendix 247-B**.

*R.C. 3313.60; 3313.603; 3313.609; 3313.6013; 3313.611; 3313.613; 3313.614; 3313.90; 3321.04; Chapters 3324; 3365; O.A.C. Chapters 3301-34; 3301-35-06; 3301-46; 3301-51; 3301-61*

## **248 At-Risk Policy**

It is the School's expectation that all students will graduate from high school with a high school diploma; however, the School recognizes that some students from time-to-time may face hardships that put them at-risk of not graduating. For this reason, the School will begin complying with this policy on July 1, 2020.

### **Graduation Plan**

The School shall develop a graduation plan for each student enrolled in grades nine through twelve, unless the student is which shall address the student's academic pathway to meet graduation requirements. The graduation plan shall be developed jointly by the student and a representative of the School. Parents shall also be invited to participate in the development of the graduation plan. The plan shall be updated annually until the student graduates with a high school diploma or is no longer enrolled in the School.

A graduation plan is intended to supplement an existing student success plan. In lieu of a graduation plan, a student with a qualifying disability may use an individualized education program ("IEP") that contains academic goals substantively similar to those in a graduation plan.

### **Criteria and Identification of At-Risk Students**

A student may be considered "at-risk" of not graduating if the student is in grades nine to twelve and has either (a) demonstrated a lack of adequate progress in meeting the requirements for graduation specified in the student's graduation plan, (b) is at least one grade level behind his or her cohort age group, or (c) the student experiences a crisis that significantly interferes with his or her academic progress.

During the course of the year, teachers have the most frequent and meaningful contacts with students, and are therefore the most likely to first notice that a student is experiencing a crisis that is significantly interfering with the student's academic progress. If a teacher becomes aware of a student meeting the at-risk criteria, the teacher should notify the Principal or his or her designee of concerns. The Principal or his or her designee in turn will investigate and determine if the student is at-risk of not graduating.

At least once each academic year, the Principal or his or her designee will determine the names of any students who failed to demonstrate adequate progress in meeting graduation requirements or are one or more years behind their respective cohort age group.

### **Parental Notification Process**

The Principal or his or her designee shall provide written notice to the parent of any student identified as at-risk of not qualifying for a high school diploma. The written notice shall include a description of the School's curriculum and graduation requirements, or, if applicable, the requirements for graduation pursuant to a student's IEP. The notice shall also detail the additional instructional and support services available to the student to earn a high school diploma. Additional instructional or support services will be made available to students at-risk of not graduating. Instructional or support services may include mentoring programs, tutoring, earning credit through demonstration of subject area competency and adjusted curriculum options, career-technical programs, mental or physical health services (to the extent required by an IEP or Section 504 Plan), family engagement and support services, or other services deemed appropriate by the Principal or his or her designee.

*R.C. 3313.617.*

Appendix 248-A Graduation Plan Invitation Letter to Parent, Appendix 248-B Parental Notification That Student is At-Risk of Not Graduating, Appendix 248-C Graduation Plan. Policy 204.14 Career Advising and Student Success Plans.

ADOPTED 09/09/2024

**SECTION 250**

**ATTENDANCE**

## **251 Attendance/Truancy/Withdrawal**

### General Policy

Students enrolled in the School must attend School regularly in accordance with the laws of the State. The educational program offered by the School is predicated upon the presence and punctuality of the student and requires continuity of instruction and classroom participation. A parent must contact the School in accordance with the procedure set forth in Policy 252 whenever a student is absent.

Attendance shall be required of all students enrolled at the School during the days and hours that the School is in session. Attendance need not always be within the School facilities, but a student will be considered to be in attendance if present at any place where School is in session by authority of the Board.

### Excused Absences

Absences due to the following will be excused:

1. Personal physical illness that prevents attendance at School (at the discretion of the Principal or his/her designee, a written statement from a physician may be required).
2. Personal mental illness such that the student will not benefit from instruction (at the discretion of the Principal or his/her designee, a written statement from a physician/mental health professional may be required).
3. Illness in the family necessitating the presence of the child (at the discretion of the Principal or his/her designee, a written statement from a physician and an explanation as to why the child's absence was necessary may be required).
4. Quarantine of the home (absence will be excused for the duration of the quarantine as determined by proper health officials).
5. Death in the family (absence will be excused for no more than eighteen (18) hours unless the Principal or his/her designee determines that a longer absence is reasonably necessary).
6. Medical or dental appointments (at the discretion of the Principal or his/her designee, a written statement from a physician confirming the appointment may be required).
7. Observance of religious holidays consistent with the child's truly held religious beliefs.
8. College or university visits (at the discretion of the Principal or his/her designee, verification of the date and time of the visit may be requested).
9. Absence due to a placement in or changes to a foster care placement or any court proceeding related to a student's foster care status.
10. Absences due to a student being homeless.
11. The existence of an emergency condition at home such as absence, illness, or death of the parent.
12. Necessary work in a family business or on a family farm (after proof of necessary absence is provided to the Principal or his/her designee).
13. Necessary work directly and exclusively for a child's parent, if the child is over the age of fourteen (14) and has been in regular attendance at school during the current school year (after proof of necessary absence is provided to the Principal or his/her designee).

14. Instruction at home from a person qualified to teach the branches of education in which instruction is required, and such additional branches, as the advancement and needs of the child may require (after adequate certification of home instruction has been provided to the Principal or his/her designee).
15. An emergency or set of circumstances which in the judgment of the School constitutes a good and sufficient cause for absence.
16. If a student is absent from School for the sole purpose of traveling out of state to participate in a School-approved enrichment activity or extracurricular activity, the School shall count that absence as an excused absence, up to a maximum of twenty-four (24) hours per school year that the School is open for instruction. The student must complete any classroom assignments he/she misses due to the absence. If the student will be absent for twenty-four (24) or more consecutive hours that the School is open for instruction, a classroom teacher must accompany the student during the travel period to provide the student with instructional assistance in order to count the student as in attendance.

The Principal or his/her designee reserves the right to verify statements and to investigate the cause of absence.

Excuses from future school attendance:

1. Shall be limited to a period not to exceed thirty (30) school hours and can be renewed at the discretion of the Superintendent or his/her designee for thirty (30) additional hours. Absences shall not exceed sixty (60) consecutive hours unless the child's parent has recently died or become totally or partially incapacitated and there is no older sibling living in the home who is out of school. At the discretion of the Superintendent or his/her designee, a written statement from a physician may be required.
2. May not materially endanger the child's educational welfare and scholastic advancement.

### Withdrawal

A student who fails to participate in seventy-two (72) consecutive hours of learning opportunities will be automatically withdrawn, unless the student's absence is excused. Otherwise, a parent may withdraw a student voluntarily by signing a Voluntary Withdrawal form with the Principal or his/her designee.

Whenever a student withdraws from the School voluntarily, the Student's teacher shall attempt to ascertain the reason for withdrawal and shall immediately inform the Superintendent or his/her designee of the reason for the withdrawal. If the Student voluntarily withdrew from the School as a result of a change in residence, the Superintendent or his/her designee shall notify the superintendent of the district to which the Student has moved of all essential information regarding the Student, including the Student's new address.

If the Superintendent or his/her designee becomes aware that a Student who has withdrawn from the School for reasons other than a change of residence is not enrolled in another school, the Superintendent or his/her designee shall notify the registrar of motor vehicles and the juvenile judge of the county in which the School is located of the Student's likely violation of the State's compulsory education laws. Notice shall be given within two (2) weeks and shall include the Student's name, address, date of birth, School, and the district where the Student resides. Any notice given in error shall be immediately rescinded by the Superintendent or his/her designee.



### Disciplinary Action for Unexcused Tardiness or Absence

Repeated unexcused absences/tardiness may be grounds for disciplinary action that will not include suspension or expulsion.

A student is tardy when a student is more than five (5) minutes late for School or for a class. If a student misses more than half a class, the student will be marked absent for the class. When tracking hours of missed instruction for excessive absence and truancy purposes, the School shall (select one):

- X Track tardiness and early dismissals to the nearest hour of missed instruction for each instance of tardiness or early dismissal per day (e.g., if a student is thirty-five (35) minutes tardy to school and leaves school forty-five (45) minutes early, the student shall be counted as absent for two (2) hours of that day).
- ☐ Track tardiness and early dismissal times based on the precise amount of missed instruction, tracked to the nearest minute (e.g., if a student is thirty-five (35) minutes tardy to school and leaves school forty-five (45) minutes early, the student shall be counted as absent for eighty (80) minutes of that day).
- ☐ Track tardiness and early dismissals to the nearest \_\_\_\_\_ minutes (not to exceed sixty (60) minutes) of missed instruction for each instance of tardiness or early dismissal per day.

Students shall not be considered absent for purposes of habitual truancy calculations while out of class for a legitimate reason, including but not limited to restroom breaks, visits to the nurses office, counselor meetings, or remediation sessions.

Any student who, due to a medically-documented physical or mental impairment, is absent for an extended period will not be disciplined. Such students may be entitled to receive an education tailored to their individual needs or abilities as provided for under federal and/or state law.

### Truancy and Absence Intervention Strategies

The Principal or his/her designee may act as the School's attendance officer or delegate that duty as permitted by law. The School's attendance officer shall investigate possible School attendance violations, and is authorized under Ohio law, to serve warrants, to enter places where children of compulsory School age are employed, and to take such other actions as may be necessary to enforce the compulsory education laws.

A student is excessively absent from school if a student is absent from the School with or without legitimate nonmedical excuse for thirty-eight (38) or more hours in one (1) school month or sixty-five (65) or more hours in one (1) school year. Within seven (7) days of a student becoming excessively absent from School, the attendance officer shall notify the student's parents of the student's absences in writing.

A student is habitually truant if the student is absent without a legitimate excuse for thirty (30) or more consecutive hours, for forty-two (42) or more hours in one (1) school month, or seventy-two (72) or more hours in one (1) school year.

## Maritime Academy Governing Board Policies

Legitimate excuses for the absence of a student otherwise habitually truant include but are not limited to:

1. the student was enrolled in another school;
2. the student's absence was excused in accordance with applicable law or policy; or,
3. the student has received an age and schooling certificate.

If the student is habitually truant and the student's parents have failed to cause the student's attendance, the School will assign the student to an absence intervention team ("AIT") within ten (10) days. The Principal or designee selects the AIT members, who shall include a representative of the School who knows the child and the child's parent, guardian, custodian, guardian ad litem, or temporary custodian. Members may also include a school psychologist, counselor, social worker, or representative of a public or nonprofit agency designed to assist students and their families in reducing absences.

Within seven (7) days of the School's determination that the student is a habitual truant, the School will make at least three (3) reasonable, meaningful attempts to secure the child's parent, guardian, or custodian's (for the purposes of this policy, "parent") participation on the AIT. If the parent responds to attempts but is unable to attend, the School will notify the parent of the right to participate by designee. In the event the parent does not respond to the attempts at all, the School will investigate whether the failure to respond triggers child abuse and neglect reporting requirements and instruct the other members of the AIT to develop a plan for the child.

Within fourteen (14) days after its formation, the AIT will develop a written plan ("AIT plan") to reduce or eliminate Student's further absences. The AIT plan will state that a complaint will be filed in juvenile court alleging that the child is an unruly child not later than sixty-one (61) days after implementation if the child refuses to participate in or fails to make satisfactory progress on the plan or other alternatives to adjudication. The School will make reasonable attempts to provide student's parent with written notice of the plan within seven (7) days of development.

If a student becomes habitually truant during the last twenty-two (22) school days of the year, the School may assign one official to work with the parent and develop an AIT plan in lieu of forming a full AIT. The plan shall be implemented not later than seven (7) days prior to the first day of instruction of the next school year.

**AIT Exemption:** The School shall be exempt from AIT procedural requirements if it has a chronic absenteeism rate of less than 5% of the student body per the last state report card.

The School shall employ absence intervention strategies for all students who are excessively absent from School. Such strategies shall include the following, if applicable:

1. Providing a truancy intervention plan for any student who is excessively absent from school;
2. Providing counseling for a habitual truant;
3. Requesting or requiring a parent to attend parental involvement programs;
4. Requesting or requiring a parent to attend truancy prevention mediation programs;
5. Notification of the registrar of motor vehicles of student's truancy status if the student misses sixty consecutive hours of instruction or ninety hours of instruction during the course of the school year; and
6. Taking legal action under R.C. 2919.222, 3321.20, and/or 3321.38.

## Maritime Academy Governing Board Policies

On the 61st day after the implementation of an AIT plan or other intervention strategy, the attendance officer shall file a complaint with the juvenile court against a student, if all of the following apply:

1. the student is a habitual truant;
2. the School has made meaningful attempts to re-engage the student through the AIT plan, other intervention strategies, and any other offered alternatives to adjudication; and
3. the student has refused to participate in or failed to make satisfactory progress on the AIT plan, as determined by the AIT, or any offered intervention strategies or alternatives to adjudication.

If the 61st day falls during the summer months, at the School's discretion, the AIT or attendance officer may extend the implementation of the plan and delay filing the complaint for an additional thirty (30) days from the first day of instruction of the next school year.

If, however, at any time during the implementation phase of the AIT plan or other intervention strategy, the student is absent without legitimate excuse for thirty (30) or more consecutive hours or forty-two (42) or more hours in one school month, the attendance officer shall file a complaint with the juvenile court against the student, unless the AIT has determined that the student has made substantial progress on the absence intervention plan.

The Principal or his/her designee is also authorized to establish a parent education program for parents of students who are habitually truant. Any parent assigned to the program who does not complete the program is to be reported to law enforcement authorities for neglect of parent education, a fourth class misdemeanor if found guilty.

### Reporting

The School shall report to the Ohio Department of Education, as soon as practicable, any of the following occurrences:

1. When a student is deemed habitually truant.
2. When a student is deemed excessively absent.
3. When a student has been adjudicated an unruly child for being a habitual truant and violates the court order regarding that adjudication.
4. When an AIT plan has been implemented for a student.

This Board consulted with the juvenile court of the counties in which the School is located, parents of students attending the School, and state and local agencies deemed appropriate by the Board prior to adopting this policy.

*R.C. 2151.011; R.C. 2151.27; R.C. 3314.03(A)(6); R.C. 3314.11; R.C. 3321.01; R.C. 3321.041; R.C. 3321.13-.191; O.A.C. 3301-69-02.*

## **252 Missing and Absent Children**

The Board believes in the importance of trying to decrease the number of missing children. Therefore, efforts will be made to identify possible missing children and notify the proper adults or agencies.

At the time of his/her initial entry to school, a student, or if the student is a minor, a parent, shall present to the person in charge of admission (1) any records given to him/her by the elementary or secondary school she/he most recently attended (2) 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 applicable; and (3) a certification of birth\* issued pursuant to Section 3705.05 of the Ohio Revised Code or a comparable certificate or certification issued pursuant to the statutes of another state, territory, possession, or nation. Within twenty-four (24) hours of the student's entry into the school, a school official shall request the student's official records from the elementary or secondary school the student most recently attended. If the school the student claims to have most recently attended indicates that it has no records of the student's attendance or the records are not received within fourteen (14) days of the date of request, or the student does not present a certification of birth or comparable certificate or certification from another state, territory, possession, or nation, the Principal or his/her designee shall notify the law enforcement agency having jurisdiction in the area where the student resides of this fact and of the possibility that the student may, be a missing child, as this term is defined in Section 2901.30 of the Ohio Revised Code.

If the School receives notification from a law enforcement agency that it has made a missing child report for a current or a former student, then the School must mark the student's records so that whenever a copy of, or information regarding the records is requested, any School official responding to the request is alerted that the records are those of a reported missing child. In addition, when a request of records or information is received, the person in charge of admission must immediately report the request to the law enforcement agency that notified the School that the student might be a missing child. When forwarding a copy of, or information from the student's records in response to a request, the School must do so in such a way that the receiving school is not able to discern that the student's records are marked. The School must retain the mark in the records until notified that the student is no longer a missing child, at which time the School must remove the mark from the student's records in such a way that it would be impossible to tell that the records were ever marked. See **Appendix 252-A** for the Missing Child Reporting and Marking Form.

The School will immediately give notice to the Ohio Attorney General's missing children clearinghouse and the law enforcement agency where the missing child resides if the School becomes aware that any missing child might be in attendance at the School. To the extent that it can, the School will also assist parents in the case of a missing student by coordinating with local law enforcement and the missing children clearinghouse.

The School has established an informational program for students, parents, and community members relative to missing children issues, which is available from the School upon request, including information regarding the fingerprinting program, if applicable. The School's informational program is based on assistance and materials provided by the Ohio Attorney General's missing child education program and resources available from the National Center for Missing and Exploited Children.

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

## Maritime Academy Governing Board Policies

in accordance with school procedure for excused absences.

The procedure for absences is as follows:

4. A parent must call or email the School to inform the School that his/her child or children will be absent from School. This phone call should take place within the first hour that School is in session or as soon as practicable.
5. If a parent fails to call or email the School, the school's attendance officer or his/her designee will contact the parent or other person having care of the student to inform him/her of the student's absence. This contact shall occur within one hundred twenty minutes (120) after the beginning of each school day. Attempted contact shall be made one of the following ways:
  - (a) A telephone call placed in person;
  - (b) 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 by the automated system relaying the required information;
  - (c) A notification sent through the school's automated student information system;
  - (d) A text-based communication sent to the parent's or other emergency contact's electronic wireless communications device;
  - (e) A notification sent to the email address of the parent or other emergency contact; or
  - (f) A visit, in person, to the student's residence of record.

A community school, community school governing authority, or community school employee is not liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a community school employee's good faith efforts to comply with parental notification procedures.

Parents or other responsible persons shall provide the School with their current home and/or work telephone numbers and home addresses, as well as emergency telephone numbers for such purposes.

Parental notification is not necessary when students are absent with legitimate excuse, to students who are in home-based, online, or internet- or computer-based instruction, or to students who were not expected to be in attendance at a particular school building due to the student's participation in off-campus activities, including participation in a college credit plus program.

\*May substitute any of the following documents for a birth certificate: 1) a passport or attested transcript showing the date and place of birth of the child; 2) an attested transcript of a birth certificate; 3) an attested transcript of a baptism certificate or other religious record showing the date and place of birth of the child; 4) an attested transcript of a hospital record showing date and place of birth, or 5) a birth affidavit.

*R.C. 109.65; R.C. 3313.96; R.C. 3313.672; R.C. 3321.141.*

**Appendix 252-A Missing Child Reporting and Marking Form and Appendix 252-B Missing Child Educational Program.**

ADOPTED 09/09/2024

**253                    Fingerprinting Students**

The School recognizes the advantage to both parents and law enforcement agencies of a means of identifying children who have become lost or have been abducted. Accordingly, the School may cooperate with legal law enforcement agencies in the voluntary fingerprinting of students enrolled at the School.

## **254 Calamity Day Make-up Policy**

Prior to August 1 of each school year, the Board may adopt a plan that requires students to access and complete classroom lessons posted on the School's website in order to make up hours in that School year on which it is necessary to close the School for any of the following reasons:

1. Disease epidemic;
2. Hazardous weather conditions;
3. Law enforcement emergencies;
4. Inoperability of school buses or other equipment necessary to the school's operation;
5. Damage to the school building; or
6. Other temporary circumstances due to utility failure rendering the school building unfit for school use.

A plan adopted by the Board shall provide for making up any number of hours, up to a maximum of the equivalent of three (3) school days. The plan must provide for the following:

1. Not later than November 1, each classroom teacher shall develop a sufficient number of lessons for each course taught by the teacher that school year to cover the number of make-up hours specified in the plan. The teacher shall designate the order in which the lessons are to be posted on the School's website in the event of a school closure.
2. To the extent possible and necessary, a classroom teacher shall update or replace, based on current instructional progress, one or more of the lesson plans before they are posted on the website.
3. As soon as possible after a school closure, a school employee responsible for website operations shall make the designated lessons available to students on the School's site. A lesson shall be posted for each course that was scheduled to meet during the hours of the closure.
4. Each student enrolled in a course for which a lesson is posted on the site shall be granted a two (2) week period from the date of posting to complete the lesson. The student's classroom teacher shall grade the lesson in the same manner as other lessons. The student may receive an incomplete or failing grade if the lesson is not completed on time.
5. If a student does not have access to a computer at the student's residence and the plan does not include "blizzard bags" (see below), the student shall be permitted to work on the posted lessons at the School after the School reopens. If the lessons were posted prior to the reopening, the student shall be granted a two (2) week period from the date of the reopening, rather than from the date of posting as otherwise required. The School may provide the student access to a computer before, during, or after the regularly scheduled school day or may provide a substantially similar paper lesson in order to complete the lessons.

### Blizzard Bags

In addition to posting classroom lessons online, the School may include in the plan distribution of "blizzard bags," which are paper copies of the lessons posted online. If the School opts to use blizzard bags, teachers shall prepare paper copies in conjunction with the lessons to be posted online and update the paper copies whenever the teacher updates the online lesson plans. The plan

## Maritime Academy Governing Board Policies

must specify the method of distribution of blizzard bag lessons, which may include, but not be limited to, requiring distribution by a specific deadline or requiring distribution prior to anticipated school closure as directed by the Principal.

*R.C. 3313.482; 3314.08*



## **254.1 HB 197 Calamity Day Make-Up Plan**

In accordance with Ohio Revised Code Section 3313.482 and House Bill 197 passed by the 133<sup>rd</sup> General Assembly, the Board hereby authorizes the following plan to allow students to access and complete classroom lessons in order to make up any number of hours the School is closed during the 2019-2020 school year in compliance with the Director of Health's order under section 3701.13 of the Ohio Revised Code "In Re: Order the Closure of All K-12 Schools in the State of Ohio" issued on March 14, 2020, or any local board of health order, and any extension of any order.

1. During the 2019-2020 school year, each classroom teacher shall develop a sufficient number of lessons for each course taught by that teacher with such lessons requiring, in the judgment of the teacher, an amount of time equal to or greater than the number of hours that are the equivalent of the number of hours in such teacher's class that the School is closed in compliance with the Director of Health's order under section 3701.13 of the Revised Code "In Re: Order the Closure of All K-12 Schools in the State of Ohio" issued on March 14, 2020, or any local board of health order, and any extension of any order. The teacher, in accordance with guidance issued by the Department, may also utilize other remote learning strategies, including but not limited to the use of online learning.
2. The teacher shall designate the order in which the lessons are to be posted on the School's website. To the extent possible and necessary, a classroom teacher shall update or replace, based on current instructional progress, one or more of the lesson plans before they are posted on the website.
3. As soon as possible after a school closure, a school employee responsible for website operations shall make the designated lessons available to students on the School's site. A lesson shall be posted for each course that was scheduled to meet during the hours of the closure.
4. Each student enrolled in a course for which a lesson is posted on the site shall be granted at least a two (2) week period from the date of posting to complete the lesson. The student's classroom teacher shall grade the lesson in the same manner as other lessons. The student may receive an incomplete or failing grade if the lesson is not completed on time.
5. If a student does not have access to a computer at the student's residence or to a "blizzard bag" (see below), the student shall be permitted to work on the posted lessons at the School after the School reopens. If the lessons were posted prior to the reopening, the student shall be granted at least a two (2) week period from the date of the reopening, rather than from the date of posting as otherwise required. The School may provide the student access to a computer before, during, or after the regularly scheduled school day or may provide a substantially similar paper lesson in order to complete the lessons.

### **Blizzard Bags**

In addition to posting classroom lessons online and utilizing other remote learning strategies, the Board authorizes the distribution of "blizzard bags" in the discretion of the Superintendent or his/her designee, which are paper copies of the lessons posted online. If the School opts to use blizzard bags, Teachers shall prepare paper copies in conjunction with the lessons to be posted online and update the paper copies whenever the teacher updates the online lesson plans. The method of distribution of blizzard bag lessons may include, but not be limited to, requiring distribution to all students prior to anticipated school closure as directed by the Superintendent or their Designee or by such other date as may be selected by the Superintendent or their Designee.

Maritime Academy Governing Board Policies

*R.C. 3313.482*; HB 197 133<sup>rd</sup> G.A.

## **254.2            2020-2021 Calamity Day Make-up Plan**

For the 2020-2021 school year, the Board hereby authorizes the following plan to allow students to access and complete classroom lessons posted on the School's website in order to make up hours in that School year on which it is necessary to close the School for any of the following reasons:

7. Disease epidemic;
8. Hazardous weather conditions;
9. Law enforcement emergencies;
10. Inoperability of school buses or other equipment necessary to the school's operation;
11. Damage to the school building; or
12. Other temporary circumstances due to utility failure rendering the school building unfit for school use.

This plan provides for making up any number of hours, up to a maximum of the equivalent of three (3) school days or such other maximum as may be permitted by law.

The plan also provides for the following:

6. Not later than November 1, each classroom teacher shall develop a sufficient number of lessons for each course taught by the teacher to cover, in the judgment of the teacher, an amount of time equal to or greater than the number of hours that are the equivalent of the number of hours in such teacher's class that the School is closed. The teacher shall designate the order in which the lessons are to be posted on the School's website in the event of a school closure.
7. The teacher shall designate the order in which the lessons are to be posted on the School's website. To the extent possible and necessary, a classroom teacher shall update or replace, based on current instructional progress, one or more of the lesson plans before they are posted on the website.
8. As soon as possible after a school closure, a school employee responsible for website operations shall make the designated lessons available to students on the School's site. A lesson shall be posted for each course that was scheduled to meet during the hours of the closure.
9. Each student enrolled in a course for which a lesson is posted on the site shall be granted a two (2) week period from the date of posting to complete the lesson. The student's classroom teacher shall grade the lesson in the same manner as other lessons. The student may receive an incomplete or failing grade if the lesson is not completed on time.
10. If a student does not have access to a computer at the student's residence and the plan does not include "blizzard bags" (see below), the student shall be permitted to work on the posted lessons at the School after the School reopens. If the lessons were posted prior to the reopening, the student shall be granted a two (2) week period from the date of the reopening, rather than from the date of posting as otherwise required. The School may provide the student access to a computer before, during, or after the regularly scheduled school day or may provide a substantially similar paper lesson in order to complete the lessons.

Blizzard Bags

In addition to posting classroom lessons online, the School may include in the plan distribution of “blizzard bags,” which are paper copies of the lessons posted online. If the School opts to use blizzard bags, teachers shall prepare paper copies in conjunction with the lessons to be posted online and update the paper copies whenever the teacher updates the online lesson plans. The plan must specify the method of distribution of blizzard bag lessons, which may include, but not be limited to, requiring distribution by a specific deadline or requiring distribution prior to anticipated school closure as directed by the Principal or their designee or by such other date as may be selected by the Principal or their designee.

*R.C. 3313.482; 3314.08*

**SECTION 260**

**STUDENT CONDUCT/RIGHTS**

## 261 Student Expression

The School recognizes the right of students to express themselves. With the right of expression comes the responsibility to do it appropriately. Students may distribute or display, at appropriate times, non-sponsored, noncommercial written material and petitions: buttons, badges, or other insignia; clothing, insignia, and banners; and audio and video materials. All items must meet the following School guidelines:

- A. A material cannot be displayed if it:
  - 1. is obscene to minors, libelous, indecent, or vulgar,
  - 2. advertises any product or service not permitted to minors by law,
  - 3. intends to be insulting or harassing,
  - 4. intends to incite fighting or presents a likelihood of disrupting School or a School event.
- B. Materials may not be displayed or distributed during class periods, or during passing times between classes. Permission may be granted for display or distribution during lunch periods and after School in designated locations, as long as exits are not blocked and there is proper access and egress to the building.

See also Policy 265 Disorder and Demonstration and Policy 281 School Sponsored Publications.

### *Distribution of Non-School-Related Materials*

The School recognizes that students and employees have the right to express themselves on School property.

To protect such rights, while at the same time preserving the integrity of the educational objectives and responsibilities of the School, all parents, students, and employees must adhere to the following regulations and procedures regarding distribution of non-School-sponsored material on School property and at School activities.

- 1. Requests for distribution of non-School-sponsored materials will be reviewed by administration on a case-by-case basis.
- 2. Distribution of materials deemed inappropriate by the School is prohibited.
- 3. Administration sets the time, place, and manner of distribution. Non-School-sponsored material may NOT be distributed during a normal School activity

## **262 Student Bill of Rights/Responsibilities**

The Board recognizes that Students possess not only the right to an education, but the rights of citizenship as well.

In granting Students the education to which they are entitled, the Board shall provide them with the nurture, counsel, and custodial care appropriate to their age and maturity. At the same time, no Student shall be deprived of the basic right to equal treatment and equal access to the educational program, due process, a presumption of innocence, free expression and association, and the privacy of his/her own thoughts.

Attendant upon the rights guaranteed to each Student are certain responsibilities, which include respect for the rights of others, obedience to properly constituted School authority, and compliance with the rules and regulations of the School.

The Board realizes that as Students differ in age and maturity, so they differ in ability to handle both the rights of citizens and the concomitant responsibilities. The exercise of each right shall be granted, therefore, with due regard for the degree of responsibility possessed by the Student and the Student's need for the continuing guidance and control of those responsible for his/her education.

A Student who has reached the age of majority possesses the full rights of an adult and may authorize those School matters previously handled by his/her parents. Each Student who has reached the age of majority shall assume the full responsibility for his/her performance in School, attendance, and compliance with School rules and regulations.

As members of the School community, Students have both rights and responsibilities described in part below.

1. All individuals are deserving of respect and acceptance. Both adults and youth at the School will exhibit respectful behavior in their speech and actions. All individuals are expected to set positive examples.
2. Students have a right to a learning environment free from physical and verbal threats and harassment. Individuals must not threaten or harass others. Neither must they cause or encourage threatening or harassment of others.
3. Students have a right to learn free from excessive distractions. Individuals must maintain behavior, including dress, vocalization, and other actions, which allows others to learn.
4. Students have a right to the ownership, possession, and respect of their property. Individuals must obtain permission before taking and/or utilizing the property of others. For exceptions, see Policy 268 Search and Seizure. Property must be treated with care and respect.
5. Students have a right and are encouraged to ask questions when they do not understand, as long as the questions are presented respectfully and are appropriate for the setting. At times, questions may need to be deferred.
6. Students have a right to disagree with statements and policies affecting them as long as the students' positions are stated respectfully and in a way which does not disrupt the functioning of the class. Disagreement does not mean that statements and policies affecting students will be changed.

## Maritime Academy Governing Board Policies

7. Students have a right to obtain an explanation of rules and expected behaviors before they are accused of breaking the rules.



## 263 Dress and Grooming

### 1. **Pants**

- a. Must be Regulation Dress or Docker-Style Only.
- b. Pants must be worn at waist level and NEVER lower than the top of hip bone.
- c. Pants must be properly fitted for length and waist- no more than 1 size larger than the correct size.
- d. Pants may not be gathered in the front or back when belted and may not sag.
- e. TMAT reserves the right to regulate the fit of the pants. They may be black, blue or khaki in color.
- f. Pants may not be modified or altered in any way, except to in regards to waist size or length.
- g. Pants cannot have elastic ankles or elastic waists.

### 2. **Shirts**

- a. Logo Polo Shirt must be completely tucked in at all times. Shirts may not be pulled out – covering belts.
- b. Belt must be visible at all times. Shirts may not be pulled over belts.

### 3. **Gym/Dress Down Shirts, Sweaters & Sweatshirts** must be regulation and issued by the school.

- a. One Grey/Blue Trim Gym/Dress Down.
- b. Navy or White (Maritime Logo sweaters only)
- c. Maritime Hooded Sweatshirts are never permitted to be worn with the hood up.
- d. Hooded garments (Non-Maritime) of any type are never permitted inside or on field trips!

#### 1. **Belt**

- a. Must be black.

### 5. **ID Badge:** Lanyard is included with Registration Fee.

- a. Additional ID's Badges and Lanyards are \$5.00 each.
- b. School ID, PBIS Rewards Card, and/or house key are the only items permitted to be attached to the lanyard.

### 6. **Shoes**

- a. Regulation shoes can be black or white.
- b. Shoes may NOT have any patterns or stripe designs of any kind in a different color.

### 7. **Socks & Undershirts**

- a. Socks must be worn at all times.
- b. Undershirts must be white, grey, navy, or black.
- c. If an undershirt is worn, it must be plain with NO DESIGNS, logos, or words on it.

### 8. **Hair**

- a. Unnatural hair color or streaking color is not permitted unless permission is granted by Principal.
- b. This includes unnatural reds and oranges, blues, greens purples, and any other unnatural color.



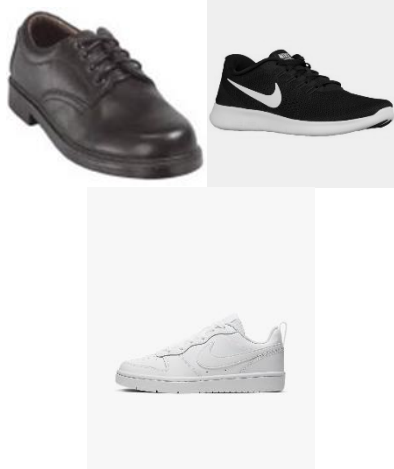


### 9. **Jewelry:** Non-regulation jewelry may be confiscated. Jewelry will only be returned to the parent/guardian.

- a. One wrist watch may be worn on the wrist.
- b. Bracelets, elastic or rubber, should be limited in number and tasteful.
- c. Earrings should be conservative in nature. Both males and females are permitted to wear earrings.
- d. Tattoos MUST be covered at all times.



### 10. **Book Bags & Purses**

- a. For the safety of our cadets only Maritime Book Bags are permitted to be carried around the school.
- b. NO other bookbags are permitted except to and from school. No Exceptions.
- c. Males or Females may carry a purse no larger than 8½" x 11".
- d. Males or Females can carry a satchel or "carry all" no larger than 8½" x 11."

**Note: Any change in dress code must be approved by the Principal.**

<b>Daily Uniform Requirements</b> <b>(These requirements are not negotiable.)</b>		
<b>1). Polo Shirt/ Maritime Sweatshirt</b>	Students are required to wear a Maritime Academy Polo shirt on a daily basis. If cadets are wearing a Maritime sweatshirt they must still wear the polo under the sweatshirt with appropriate rank pin attached. All Shirts must display Maritime Logo.	
<b>2). Trousers: Navy Blue/ Khaki/ Black</b>	Cadets are required to wear uniform pants without cargo pockets or stretch waist/ ankles. Pants must have belt loops in order to wear a black belt.	
<b>3). Shoes</b>	Shoes must be black or white.	
<b>4). Black Belt</b>	Black belts are a daily requirement.	
<b>5). Rank Pin</b>	Rank ceremonies will be held in September and May and rank pins are a requirement for proper uniform. (When available: Sometimes we are unable to obtain necessary supplies of rank pins)	

## Maritime Academy Governing Board Policies

<b>6). IDs</b>	High School cadets can keep their IDs in their wallet or purse.	
<b>7). BookBags</b>	Only Maritime bookbags are permitted within the school.	

See also Policy 271 Student Code of Conduct.

## **264 Sexual and Other Forms of Harassment**

Students have the right to learn in an environment untainted by sexual or other forms of harassment or discrimination. Offensive conduct that has the purpose or effect of unreasonably interfering with the learning atmosphere or creating an intimidating, hostile, discriminatory, or offensive learning environment, or which disrupts the educational process or impedes the legitimate pedagogical concerns of the School, is strictly prohibited.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature. Other prohibited conduct includes that which has the purpose or effect of creating an intimidating, hostile, discriminatory, or offensive learning environment on the basis of gender, religion, race, color, ethnicity, disability, and/or other legally protected category.

The harassment by a student of a staff member or fellow student is strictly forbidden. Any student who is found to have harassed a staff member or student will be subject to discipline.

The harassment of a student or a staff member should be reported immediately by the student or staff member to any teacher or to the Principal or his/her designee. Any person who receives such a report shall immediately advise the Principal or his/her designee or a Board member, who will investigate and take appropriate action in accordance with Board directives.

Should any School employee, or School official who has authority to institute corrective measures on behalf of the School, receive notice of sexual harassment or allegations of sexual harassment, they shall immediately report it to the Title IX Coordinator for further action in accordance with Board directives.

*20 USC 1681 et seq.; R.C. 4112.02; See 34 CFR part 106.*

See Appendix 264-A Form for Reporting Incidents of Harassment, Intimidation and Bullying. See also Policy 222.1 Title IX Grievance Procedure; Policy 271 Student Code of Conduct.

## **264.1 Anti-Harassment, Intimidation, and Bullying Policy**

The following policy must appear in any student handbook, and in any publications that set forth the comprehensive rules, procedures, and standards for the School and students. Information regarding this policy must be incorporated into employee training materials. Annually, the School shall send a written statement describing the policy and the consequences for violating the policy to each student's custodial parent or guardian, either electronically or with report cards.

The School prohibits acts of harassment, intimidation, or bullying (including cyber-bullying) of any student on school property or at school-sponsored events (any event conducted on or off School property, including School buses and other School related vehicles, that is sponsored, recognized or authorized by the Board). A safe and civil environment in the School is necessary for students to learn and achieve high academic standards. Harassment, intimidation and bullying, like other disruptive or violent behaviors, are conduct that disrupts both a student's ability to learn and the School's ability to educate its students in a safe environment. Since students learn by example, school administrators, faculty, staff, and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate bullying.

"Harassment, intimidation, or bullying" means either of the following: (1) any intentional, written, verbal, electronic, graphic, or physical act that a student or group of students has exhibited toward another particular student more than once, and the behavior both causes mental or physical harm to the other student and is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for the other student; or (2) violence within a dating relationship. The definition of "harassment, intimidation, or bullying" also includes the above described acts which are electronically generated, stored or transmitted, sometimes called "cyberbullying."

The School reserves the right to discipline students' off campus behavior which substantially disrupts the School's educational process or mission, or threatens the safety or well-being of a Student or Staff member. Factors which may be considered in determining whether the behavior warrants discipline include, but are not limited to, the following: (1) whether the behavior created material and substantial disruption to the educational process or the School's mission due to the stress on the individual(s) victimized or the time invested by Staff in dealing with the behavior or its consequences; (2) whether a nexus to on-campus activities exists; (3) whether the behavior creates a substantial interference with a Student's or Staff member's security or right to educate and receive education; (4) whether the behavior invades the privacy of others; or (5) whether any threat is deemed to be a true threat by the administration or Board, using factors and guidelines set out by the courts or by common sense, reasonable person standards.

Some acts of harassment, intimidation, bullying, and cyber-bullying may be isolated incidents requiring that the school respond appropriately to the individuals committing the acts. Other acts may be so serious or part of a larger pattern of harassment, intimidation, bullying, or cyber-bullying that they require a response either in the classroom, School building, or by law enforcement officials. Consequences and appropriate remedial actions for students who commit an act of harassment, intimidation, bullying, or cyber-bullying range from positive behavior intervention up to and including suspension or expulsion. Due process procedures for suspension and expulsion will be followed, as provided for under R.C. 3313.66. The disciplinary procedures and Code of Conduct of the School shall be followed and shall not infringe on any student's First Amendment rights under the United States Constitution.

## Maritime Academy Governing Board Policies

All school personnel, volunteers, and students are required to report prohibited incidents of which they are aware to the Principal or his/her designee. All other persons may report prohibited incidents of which they are aware to the Principal or his/her designee. Should any School employee, or School official who has authority to institute corrective measures on behalf of the School, receive notice of sexual harassment or allegations of sexual harassment, they shall immediately report it to the Title IX Coordinator. Anonymous communications, if necessary, may be made by telephone, electronic mail, or in writing. In the case of sexual harassment as defined by Title IX, the School shall follow the School's Title IX Grievance Procedure. For all other incidents, the Principal or his/her designee is responsible for determining whether an alleged incident constitutes a violation of this policy. In so doing, the Principal or his/her designee shall conduct a prompt and thorough investigation of the reported incident, and prepare a report documenting the prohibited incident that is reported (See **Appendix 264.1-A** Form for Reporting Incidents of Harassment Intimidation and Bullying). Once an investigation is completed, if the reported incident has been substantiated, the Parent of any Student involved in the prohibited incident shall be notified. Semiannually, the Principal will provide the Board President with a written summary of all reported incidents. To the extent permitted by R.C. 3319.321 and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), Parents have access to any written reports pertaining to the prohibited incident, and, if the School has a website, the School shall post this summary of reported incidents on the School website. All School personnel, volunteers, and Students shall be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with this policy promptly and in good faith.

The School prohibits reprisal or retaliation against any victim or person who reports an act of harassment, intimidation, or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the Principal or his/her designee after consideration of the nature and circumstances of the act, in accordance with School policies and procedures.

Students are prohibited from deliberately making false reports of harassment, intimidation, or bullying, and Students who deliberately do so will be disciplined up to and including suspension or expulsion.

The School shall implement the following strategy for protecting victims from new or additional harassment, intimidation, or bullying, and from retaliation: supervise and discipline offending students fairly and consistently; provide adult supervision during recess, lunch time, bathroom breaks and in the hallways during times of transition; maintain contact with parents and guardians of all involved parties; provide counseling for the victim if assessed that it is needed; inform School personnel of the incident and instruct them to monitor the victim and the offending party for the indications of harassing, intimidating and bullying behavior. Personnel are to intervene when prohibited behaviors are witnessed; check with the victim daily to ensure that there has been no incidents of harassment, intimidation, bullying, or retaliation from the offender or other parties.

Harassment, intimidation, and bullying behavior can take many forms and can vary dramatically in seriousness and impact on the targeted individual and other students. Accordingly, there is no one prescribed response to verified acts of harassment, intimidation, and bullying. While conduct that rises to the level of "harassment, intimidation, or bullying" will warrant disciplinary action whether and to what extent to impose disciplinary action (*i.e.*, detention, in- and out-of-school suspension, or expulsion) is a matter left in the professional discretion of the Principal, or other decision-maker in the case of sexual harassment. The following procedure sets forth possible interventions for the Principal to enforce the prohibition against harassment, intimidation, or bullying. Anonymous complaints that are not otherwise verified, however, shall not be the basis for disciplinary action.

ADOPTED 09/09/2024

1. Non-Disciplinary Interventions

When verified acts of harassment, intimidation, or bullying are identified early and/or when such verified acts do not reasonably require a disciplinary response, students may be counseled as to the definition of harassment, intimidation or bullying, its prohibition and their duty to avoid any conduct that could be considered harassing, intimidating or bullying. If a complaint arises out of conflict between students or groups of students, peer mediation may be considered. Special care, however, is warranted in referring such cases to peer mediation. A power imbalance may make the process intimidating for the victim and therefore inappropriate. The victim's communication and assertiveness skills may be low and could be further eroded by fear resulting from past intimidation and fear of future intimidation. In such cases, the victim should be given additional support. Peer mediation may be deemed inappropriate to address the concern at the discretion of the School administration.

2. Disciplinary Interventions

When acts of harassment, intimidation, and bullying are verified and a disciplinary response is warranted, students are subject to the full range of disciplinary consequences. In- and out-of-school suspension may be imposed only after informing the accused perpetrator of the reasons for the proposed suspension and giving him/her an opportunity to explain the situation. Expulsion may be imposed only after a hearing before the Board of Directors, a committee of the board or an impartial hearing officer designated by the Board of Directors in accordance with Board policy. This consequence shall be reserved for serious incidents of harassment, intimidation, or bullying, and/or situations where past interventions have not been successful in eliminating prohibited behaviors.

Nothing in this policy prohibits a victim from seeking redress under any provision of Ohio or federal law that may apply.

To the extent state or federal funds are appropriate, the School shall require that all students enrolled in the School be provided with age-appropriate instruction of this policy annually, including a written or verbal discussion of the consequences for violations. The School may form a prevention task force and/ or programs to educate students about this policy, such as holding an assembly on harassment, intimidation and bullying for Parents and Students, to raise the level of awareness and help prevent the prohibited conduct.

The School shall incorporate training on this policy into the in-service training required under R.C. 3319.073. The School may provide training, workshops, or courses to other Staff and volunteers who have direct contact with students.

*R.C. 3313.666, 3313.667, 3319.073*

See also Policy 222 Title IX Grievance Procedure; Policy 271 Student Code of Conduct; Policy 273 Expulsion and Suspension; Policy 232 Technology and Internet Acceptable Use; Policy 234 Electronic Communication Devices; Policy 261 Student Expression; Policy 262 Student Bill of Rights/Responsibilities; and Policy 264 Sexual and Other Forms of Harassment.

**264.2            Anti-Hazing Policy**



The School prohibits all acts of hazing. Hazing, like other violent and disruptive behaviors, is conduct that disrupts both a student's ability to learn and the School's ability to educate its students in a safe and civil environment. **No person shall recklessly participate in the hazing of another. Permission, consent or assumption of risk by an individual subjected to hazing does not lessen the prohibition contained in this policy.**

Hazing or hazing activity means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization, or any act to continue or reinstate membership in or affiliation with any student or other organization, that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse. For purposes of this policy, mental harm means mental stress, anxiety, physical injury, sickness, injury to feelings, humiliation, mental anguish, and/or depression, connected to and arising from the hazing activity.

Hazing activities of any type are inconsistent with the educational process and are prohibited at all times, regardless of whether the activity occurs on or off of property owned, used or controlled by the School, so long as the hazing activity is in any way connected to the activities or incidents that have occurred on property owned, used or controlled by the school. This policy will be actively enforced at all times.

Hazing is a violation of School policy separate and distinct from harassment or other prohibited conduct. No Student, including leaders of student organizations, may plan, encourage or engage in any hazing activity. Students having engaged in hazing activity and who fail to abide by this policy are subject to disciplinary action including suspension, expulsion, removal or permanent exclusion as set forth elsewhere in this policy manual, and may be liable for civil and criminal penalties pursuant to State law.

Staff are to be particularly alert to possible conditions, circumstances or events, which might include hazing. If hazing or planned hazing is discovered, involved students are informed by the discovering Staff member of the prohibition contained in this policy and are prohibited from participating or permitting hazing, and must end all hazing activities immediately. All hazing incidences are reported immediately to the Principal or his/her designee. Additionally, no administrator, employee, faculty member, teacher, consultant, or volunteer of the School who is acting in an official capacity shall fail to immediately report the knowledge of hazing to a law enforcement agency in the county where the hazing victim resides or where the hazing is occurring or has occurred.

No Staff shall encourage, permit, condone or tolerate any hazing activities, and Staff who fail to abide by this policy may be subject to disciplinary action and may be liable for civil and criminal penalties pursuant to State law.

*R.C. 2307.44; 2903.31; 2903.311; 3313.661. See also Policy 271 Student Code of Conduct.*

### **264.3 Gang Activity Policy**

The Board believes gangs or gang activity create an atmosphere that seriously disrupts the educational process.

Students are prohibited from engaging in gang activities while at School, on School property, or at School-sponsored events.

As used herein the term “gang” means any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more criminal acts, which has an identifiable name or identifying sign or symbol, and whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity.

The term “gang activity” shall mean any conduct engaged in by a student 1) on behalf of any gang; 2) to perpetuate the existence of any gang; 3) to effect the common purpose and design of any gang; or 4) to represent a gang affiliation, loyalty or membership in any way while on School grounds or while attending a School function. These activities include recruiting students for membership in any gang and threatening or intimidating other students or employees to commit acts or omissions against his/her will in furtherance of the common purpose and design of any gang.

A violation of this policy is grounds for suspension or expulsion from School.

See also Policy 271 Student Code of Conduct.

**265                    Disorder and Demonstration**

The School recognizes the right of each Student to attend School for the purpose of receiving an education. The disruption of the educational program of the School by disorder or any other purposeful activity will not be countenanced.

For purposes of this policy, disorder shall be any deliberate activity by an individual or a group, whether peaceful or violent, which interferes with the normal operation of the School. The School, having the responsibility for providing an educational program for the students of the School, shall have the authority to preserve order for the proper functioning of that program.

Students shall not be disturbed in the exercise of their constitutionally guaranteed rights to assemble peaceably and to express ideas and opinions, privately or publicly, provided that such exercise does not infringe on the rights of others and does not interfere with the operation of the School.

## **266 Drug Prevention**

The School recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the whole community.

For purposes of this policy, “drugs” shall mean:

1. all controlled substances as so designated and prohibited by applicable federal and Ohio law;
2. all chemicals that release toxic vapors;
3. all alcoholic beverages;
4. any prescription or patent drug, except those for which permission to use in School has been granted pursuant to Board policy;
5. anabolic steroids; and
6. any substance that is a “look-alike” to any of the above.

The School prohibits the use, possession, concealment, or distribution of any drug or any drug-related paraphernalia, as the term is defined by law, on School grounds, on School vehicles and vehicles used for School-sponsored events, and at any School-sponsored event.

The School's drug prevention program:

1. Emphasizes the prevention of drug use;
2. Provides for a comprehensive, age-appropriate, developmentally-based drug and alcohol education and prevention program which:
  - a. addresses the legal, social, psychological, and health consequences of drug and alcohol use;
  - b. provides information about effective techniques for resisting peer pressure to use illicit drugs and alcohol;
  - c. assists students to develop skills to make responsible decisions about substance abuse and other important health issues;
  - d. promotes positive emotional health, self-esteem, and respect for one's body;
  - e. advises students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful; and
  - f. meets the minimal objectives as stated in the essential performance objectives for health education as established by the State Department of Education.

Disciplinary sanctions, up to and including expulsion and referral for prosecution, will be imposed on students who violate this Policy.

The sanctions may include, together with punitive action, voluntary referral to appropriate persons or agencies for screening and assessment. Such referral may only be made to qualified and properly licensed individuals or programs.

The School will provide information about any drug and alcohol counseling and rehabilitation and re-entry programs available to Students and will direct Students and their Parents to the appropriate programs.

## Maritime Academy Governing Board Policies

This policy serves as notification to parents and students that compliance with this policy and other standards of conduct is mandatory.

The Principal or his/her designee will conduct a biennial review of the School's program to determine its effectiveness and implement changes as needed and to ensure that disciplinary sanctions are consistently enforced.

The School will provide a Student assistance program which includes guidelines for prevention, intervention, referral, treatment, and after-care. Such a program must be comprehensive in nature addressing all issues affecting students' academic, social, and emotional well-being in the educational setting which may negatively affect behavior and interfere with their ability to learn.

The School's policies and procedures on Search and Seizure, Suspension and Expulsion, and Permanent Exclusion, among others, will be complied with fully in dealing with Students suspected of drug use or possessing or distributing drugs in School.

The School shall develop a curriculum for instruction in the harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco for students at each grade level and conduct such in-service training programs for Staff members necessary to ensure effective teaching about drugs and assistance to Students with drug problems.

The Principal or his/her designee shall establish administrative guidelines necessary to implement this policy. Such guidelines shall ensure that the proper notice regarding the use of anabolic steroids is posted in all School locker rooms used by students in grades 7-12, as applicable.

*20 USC 7114.*

See also Policy 271 Student Code of Conduct.

**267                    Pregnant Students**

No student, whether married or unmarried, who is enrolled in the School shall be denied an educational program solely because of pregnancy, childbirth, pregnancy-related disabilities, or actual or potential parenthood.

The School reserves the right to require as a prerequisite for attendance in the regular classes of the School and the co-curricular and extra-curricular programs of the School that each pregnant student present to the Principal or his/her designee her physician's written statement that such activity will not be injurious to her health nor jeopardize her pregnancy.

## **268 Search and Seizure**

The School recognizes that the privacy of Students may not be violated by unreasonable search and seizure and directs that no student be searched without reason or in an unreasonable manner.

The School acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Where locks are provided for such places, Students may lock them against incursion by other students, but in no such places shall Students have such an expectation of privacy as to prevent examination by a School official. The Board may require the Principal or his/her designee to conduct a regular search at least annually of all such storage places.

Students have no expectation of privacy with respect to the use of the internet, intranet, or email. Routine maintenance and monitoring of the School network system may lead to the discovery that a student has or is violating School policy or the law. Violations of School policy, the Student Code of Conduct or the law may result in severe penalties, up to and including expulsion.

School authorities are charged with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, School authorities may search the person or property, including vehicles, of a Student, with or without the Student's consent, whenever they reasonably suspect that the search is required to discover evidence of a violation of law or of School rules. Specifically:

### Search and Seizure of Property:

1. School lockers, desks, and property are on loan to the Students and remain the property of the School. They may be inspected and reclaimed at any time.
2. Students must not keep prohibited items, including drugs, drug paraphernalia, firearms, explosives, and property belonging to others within their lockers, backpacks, or desks.
3. Students must open their lockers at the request of School officials.
4. When on School grounds, Students and their personal property may be searched if a School official has grounds to believe the search may turn up evidence that the Student has violated or is violating the law or School rules.
5. A Student shall have the opportunity to be present during the search of his or her locker, desk, or other property unless the Student is absent from School or the safety or welfare of the School or an individual necessitates a search during the Student's absence.

The search of a student's person or intimate personal belongings shall be conducted by the Principal or his/her designee. This person should be of the student's gender and conduct the search in the presence of another staff member of the same gender. However, no strip searches may be conducted by School personnel.

This authorization to search shall also apply to all situations in which the Student is under the jurisdiction of the School.

Administrators are authorized to arrange for the use of a breath-test instrument for the purpose of determining if a Student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level, since the School has established a zero tolerance for alcohol use.

The School also authorizes the use of canines, trained in detecting the presence of drugs, when the Principal or his/her designee has reasonable suspicion that illegal drugs may be present in the

## Maritime Academy Governing Board Policies

School. This means of detection shall be used only to determine the presence of drugs in locker areas and other places on School property where such substances could be concealed. Canine detection must be conducted in collaboration with law enforcement authorities or with organizations certified in canine detection and is not to be used to search individual students unless a warrant has been obtained prior to the search.

The Principal or his/her designee shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found; and the disposition made of them. The Principal or his/her designee shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

*U.S. Const. Amend. IV, XIV; Oh. Const. Art. 1 §14.*



**269                    Use of Tobacco and Other Stimulants on School Premises**

The use of tobacco and some oral, stimulants, including betel nuts, present a health hazard that can have serious consequences both for the user and the nonuser and is, therefore, of concern to the School.

For purposes of this policy, “use of tobacco” shall mean all uses of tobacco, including a cigar, cigarette, pipe, snuff, or any other matter or substances that contain tobacco, as well as electronic, “vapor,” or other substitute forms of cigarettes. Additionally, “use of betel nuts” shall mean any and all use, possession, consumption or chewing of the areca nut (commonly known as the betel nut) or substances containing the areca nut.

The School cannot, even by indirection, condone the use of tobacco or the use of betel nuts. As such, the School prohibits the use of tobacco or betel nuts on School Property.

See **Appendix 269-A** for a “No Smoking” symbol sign which should be posted in areas where smoking is prohibited, including at each entrance. Each sign must also include a telephone number for reporting violations.

*20 U.S.C. 6081-6084; R.C. 3313.751; R.C. Chapter 3794.*

**SECTION 270**

**STUDENT DISCIPLINE/PROCEDURE**

**271 Student Code of Conduct**

All students are expected to conform to the Student Code of Conduct at School, on the School premises, at School activities or functions whether on or off the School premises and on transportation to and from School, if paid for or provided by the School and are subject to the School's disciplinary process when they fail to do so. Students may also be subject to the School's disciplinary process for a violation of the Student Code of Conduct, regardless where it occurs, if the misconduct is directed at School Staff or their property.

**Due to the nature of any offense, TMAT Administration reserves the right to assign any disciplinary action deemed necessary for violations of the code of conduct. Regardless of where violations occur, a cadet may be suspended or expelled if the misconduct is directed at a TMAT official and/or employee or the property of The Maritime Academy of Toledo. A cadet may be suspended or expelled if the cadet's misconduct occurs off of property that is owned or controlled by the Maritime Academy of Toledo but is connected to school activities.**

**Progressive Discipline Actions**

	1 <sup>st</sup> Consequence	2 <sup>nd</sup> Consequence	3 <sup>rd</sup> Consequence
	Classroom Teacher	Classroom Teacher & Mental Health Director	Assistant Principal
	<ul style="list-style-type: none"> <li>▪ Parent contacted</li> <li>▪ Use of Uniform Closet (if Dress Code Violation)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parent contacted</li> <li>▪ Use of the Uniform Closet.</li> <li>▪ Parent meeting with Mental Health Director to determine root cause</li> <li>▪ Teacher could assign lunch detention.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Parent Contacted by Assistant Principal</li> <li>▪ Behavior Plan (if deemed necessary)</li> <li>▪ Assistant Principal decides appropriate disciplinary action (See Chart on PG. 61)</li> </ul>

**Class 1 Code of Conduct Violation Definitions:**

**1. Dress Code Violations:** Any cadet not wearing a proper uniform in proper fashion will be disciplined. The Maritime Academy of Toledo believes that the primary function of the school is to educate the cadets. The major responsibility for the dress and appearance of the cadet rests with the parents and cadets themselves. Cadets are required to wear the school uniform with pride, cleanliness, and neatness at all times. Failure to do so will result in disciplinary action. Please refer to the school uniform information in the Enrollment Packet and the Dress Code Guidelines in this handbook for detailed information regarding the proper regulation uniform. In addition to the Dress Code Guidelines the following uniform/clothing rules **MUST** be followed: a. Facial, Tongue, or body piercings are not allowed. Band-aids may not cover piercings. b. Coats, jackets, gloves, hats and sunglasses may not to be worn to class. c. All totes/purses larger than 8 ½ x 11 must be kept in student lockers. d. Gang attire and/or articles that can be construed as gang attire may **NEVER** be worn in school, on school property, or at school events. e. Bandannas may **NEVER** be worn in school, on school property, or at school events. f. Additional uniform requirements may be imposed for reasons of health and safety. g. Dress Down Days as deemed appropriate by school administrators. During dress down days, themes will be announced and

## Maritime Academy Governing Board Policies

followed. All attire must be school appropriate. School administrators maintains the right to send students home for inappropriate dress down attire. If cadets are not in proper uniform parents will be called to pick up their cadet or bring the proper clothing to school. Students who, after arriving at school in proper uniform and later found to be out of uniform, will receive a warning and if repeated, will lead to after school detention, suspension, and eventually expulsion. The Maritime Academy of Toledo is not responsible for articles of clothing worn to school. Good judgment should be used in choosing attire. Generic coats and jackets are encouraged. Cadets are encouraged to leave expensive clothing, such as leather coats, jackets with team logos, team shoes, etc. at home. Cadets are cautioned not to bring large amounts of cash or valuables such as electronics, rings, bracelets, or necklaces to school.

The Maritime Academy of Toledo is not responsible for any cadet's personal property brought onto the school premises or at school events.

### **Cell Phone and other Electronic Device**

Maritime Academy recognizes the importance of communication and collaboration and provides devices for students to be productive in the classroom. This policy is designed to safeguard the education of all students while at the same time, not limit home/school communications. In emergency situations, a student may be given permission to use a school telephone to contact a parent/guardian. In the case of an emergency, a student may be called out of class to receive a telephone call from parents/guardians. To keep the focus on academics and to reduce unnecessary distractions, the school enforces the following: • Cell phones and all mobile devices shall be placed in a locked cabinet in an assigned pocket chart located in each classroom at the start of each class period and may be picked up at the end of each class period.

- Any watch used for communication is to be silenced and is not permitted to be used during class time.
- Students may use a school phone charger located inside the locked cabinet or bring a charger from home to use to charge his/her phone while inside the cabinet.
- Students may use his/her cell phone at the switch of every class and throughout his/her lunch period.
- Cell phones and all mobile devices are not allowed to be used in a classroom, common areas, or restrooms. No pictures or videos are permitted to be taken inside a restroom. • Cell phones and all mobile devices can be used at the end of the day in homeroom solely to communicate directly with parents/friends who are assisting in transportation
- If a student needs to make an emergency call during the day, they are to come to the helm.
- Parents who need to contact a student may call the helm and the student will be called to the helm for the call or will be given a note to call home during the change of classes.
- No image of any student may be reproduced by means of pictures, video, or any other electronic means unless the teacher has gained permission from the parent and respective student.
- Students who bring cellular phones or electronic devices to school, do so at their own risk. The Maritime Academy of Toledo will not assume any liability for any lost, stolen, or damaged cellular phone and/or any other electronic devices either in school or in their possession.
- TMAT reserves the right to change the policy regarding cadet use of cell phones and electronic devices as needed.

## Maritime Academy Governing Board Policies

Cell Phone/ Electronic Devices Progressive Discipline	
1 <sup>st</sup> Offense	Warning
2 <sup>nd</sup> Offense	The phone will be confiscated, placed at the helm, until 2:50PM.
3 <sup>rd</sup> Offense	<p>Cadet will be required to turn his/her phone into the helm, each school day, for a specified block of time.</p> <p>For example, a student may be required to turn in their phone to the helm, each school day, for a period of 10 days.</p>

### IMPORTANT NOTE:

- a. No image of any student or staff member may be reproduced by means of pictures, video, or any other electronic means without permission from that person.
- b. TMAT reserves the right to change the policy regarding cadet use of cell phones and electronic devices as needed.
2. Due to our school being fully carpeted and the potential damage to floors and the school dishwasher, gum chewing is forbidden and will result in escalating disciplinary action.
3. **Identification of Self:** All cadets must, upon request, correctly identify themselves to proper school authorities while in the school building, on the school grounds, and/or at school-sponsored events.

## Maritime Academy Governing Board Policies

4. **Identification Badges:** Middle School Cadets are required to wear their school I.D badge on the outside of their uniform, in full view, upon entry into the building through to the time cadets leave the building. Cadets **MUST** wear their lanyard around the neck and **NOT IN A POCKET**. High School Cadets are permitted to carry IDs in a wallet or purse. Cadets are expected to bring their I.D. badge to school-sponsored events and to furnish the I.D. badge whenever requested by school staff. There will be a \$5.00 replacement fee for lost or damaged I.D.s.
5. **Signed Parent/Guardian Correspondence:** There will be times when certain correspondence sent home will need a parent/guardian signature. These communications are vital to the education of our cadets. Parents should be diligent to make sure all required documents are signed and returned to the school.
6. **Unprepared for Class:** Students **MUST** carry their planners with them and keep them current at all times. Students must come to class with all necessary paper, pencils, and pens, etc that enables them to be ready to learn.
7. **Sleeping In Class:** Students are not permitted to sleep in class. Please be sure your cadet received adequate sleep each night in order to perform at his/her maximum potential during class.
8. **Late to Class:** Cadets, who are tardy, will be subject to attendance procedures as described in The Maritime Academy of Toledo Attendance Policy.
9. **Not Following Directions:** Insubordination.
10. **Excessive Talking:** Talking when directed to be quiet or silent or when the instructor is talking is not allowed.
11. **Out of Assigned Area:** Being tardy or otherwise not where assigned or directed.
12. **Misuse of School Equipment:** For example, being on non-approved web sites – Facebook, Twitter, and other sites listed by instructors and the school electronic use policy.

### Class 2 Violation

	1 <sup>st</sup> Consequence	2nd Consequence	3rd Consequence
	Classroom Teacher	Classroom Teacher & Mental Health Director	Assistant Principal
	<ul style="list-style-type: none"><li>▪ Parent contacted</li><li>▪ Teacher Assigned Detention (Documented in SWIS)</li></ul>	<ul style="list-style-type: none"><li>▪ Parent contacted</li><li>▪ Parent meeting with Mental Health Director to determine root cause</li><li>▪ Teacher Assigned Detention.</li></ul>	<ul style="list-style-type: none"><li>▪ Parent Contacted by Assistant Principal</li><li>▪ Behavior Plan</li><li>▪ Assistant Principal decides appropriate disciplinary action (See Chart on PG. 61)</li></ul>

### Class 2 Code of Conduct Violations Definitions:

1. **Disruptive Conduct:** A cadet may not materially and substantially interfere with the educational process, including all curricular and extracurricular activities. Cadets interfering with the educational process will be sent home, suspended, and/or recommended for expulsion depending on the seriousness and frequency of this violation. Referral to law enforcement may also occur. **Arguing with or disputing a staff member's corrective actions is considered disruptive and is subject to the same penalties.**
2. **Collusion:** Administration may discipline a cadet who knowingly assists or aids another person, in any way, in violating school rules, and/or regulations concerning school policy. This includes inciting other cadets to violate the behavior code.
3. **Dangerous or Destructive Acts:** No cadet shall behave in a manner that endangers the safety of another cadet, staff, or visitor or destroys Academy property.

## Maritime Academy Governing Board Policies

4. **Forged or Altered Passes or Excuses:** The signing of another person's name, altering, or knowingly using a note or pass with an unauthorized signature is considered to be forgery. Cadets who forge documents and/or alter passes or excuses will be subject to disciplinary consequence.
5. **Insubordination:** The act of refusing to obey orders or submit to authority. A cadet will comply with reasonable directives of school personnel during any period of time the cadet is properly under the authority of the school. Cadets found to be insubordinate will be subject to a disciplinary action.
6. **Plagiarism/Cheating/Lying/Stealing:** Plagiarism, the act of taking the work of another as your own, cannot be tolerated. Plagiarism or cheating will result in loss of credit for the work for the grading period and/or removal from the course. The Maritime Academy of Toledo may use resources such as [www.turnitin.com](http://www.turnitin.com), which scans papers over the Internet to determine if part or all of a paper has been plagiarized. Cheating, lying, and stealing are all code of conduct violations that may result in detention up to and including suspension.
7. **Profanity:** There is **ZERO** tolerance for profanity. Cadets using profanity will be subject to severe disciplinary consequences.
8. **Public Display of Affection:** Any public display of affection between and/or among cadets is prohibited. This includes close body contact, hugging, kissing, and similar actions.
9. **School Transportation:** Cadets shall obey all directives given by transportation drivers and comply with basic safety regulations. Failure to do so will result in severe disciplinary action.
10. **Throwing objects:** Cadets may not throw books, pencils, or any school property for any reason, playful or otherwise.

### Class 3 Violation

	1 <sup>st</sup> Consequence	2 <sup>nd</sup> Consequence	3 <sup>rd</sup> Consequence
	Assistant Principal	Assistant Principal and/or Principal	Assistant Principal and/or Principal
	<ul style="list-style-type: none"> <li>▪ Parent Contacted by Assistant Principal</li> <li>▪ Behavior Plan</li> <li>▪ Assistant Principal decides appropriate disciplinary action which could include an Out of School Suspension up to 10 days. (See Chart on PG. 61)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Principal may issue up to a 10 day out of school suspension.</li> <li>▪ Immediate Parent contact.</li> <li>▪ Emergency removal of student if deemed necessary.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Possible 10 day suspension with intent to expel.</li> <li>▪ Immediate Parent Contact</li> <li>▪ Emergency removal of student if deemed necessary.</li> </ul>

### Class 3 Code of Conduct Violations Definitions:

1. **Counterfeit Drugs:** State law makes it unlawful to possess, pass, sell, or offer to sell any substance represented to be or appearing to be a controlled substance (drug) or over the counter medications.
2. **Drugs and Alcohol Usage and Drug Testing Policy:** The Maritime Academy of Toledo Board of Education Drug Testing Policy was formed to ensure that our cadets are drug free. This policy applies to all cadets. Types of testing include: team testing and random testing. A cadet shall not possess, transmit, conceal, offer for sale, consume, show evidence of having consumed or used any alcoholic beverages, illegal drugs, over the counter medications, look-alike drugs or any mind-altering substance while on school grounds or facilities; at school-sponsored events; in other situations under the authority of the District or in school-owned or school-approved vehicles. Included in this prohibition are any substances represented as a controlled substance, the abuse or misuse of prescribed and over the counter medications, nonalcoholic beers, steroids, and drug paraphernalia. Persons violating this code of conduct regulation shall be subject to immediate suspension from school and possible expulsion as well

## Maritime Academy Governing Board Policies

as referral to law enforcement. Whenever a cadet is suspended or expelled from school in accordance with O.R.C. 3313.66 for the possession of alcohol or drugs, the Superintendent may notify the Registrar of Motor Vehicles and the juvenile judge of the county of the suspension or expulsion.

3. **Verbal Assault, Bullying, Harassment, Play Fighting, and Making Threatening or Obscene Gestures Toward Peers:** NO cadet may verbally assault, bully, harass, play fight, or make a threatening or obscene gesture towards a fellow cadet in the school building, on school grounds, or at any school-sponsored function. Cadets may be suspended for a period of up to ten (10) days and/or may be recommended for expulsion and/or immediately expelled depending upon the severity of the incident. **Obscene gestures, verbal assault, and bullying are as serious in nature as physical contact and as such will not be tolerated.** Obscene gestures and verbal assault will result in an assignment to the detention for an extended period of time, suspension, and/or expulsion depending on the seriousness and frequency of the offense. Additionally, cadets may also be referred to law enforcement for any form of verbal assault, threatening, and/or bullying.
4. **Gambling:** No cadets shall gamble on school premises or at school activities. This includes but is not limited to games involving card playing and/or the use of coins or any other devices used for gambling.
5. **Hazing:** Hazing activities of any type are inconsistent with the educational process and will be prohibited at all times. No administrator, faculty member, or other employee of the school district shall encourage, permit, condone, or tolerate any hazing activities. No cadet, including leaders of cadet organizations, may plan, encourage, or engage in any hazing. Administrators, faculty members, cadets, and all other employees who fail to abide by this policy may be subject to disciplinary action, and may be liable for civil and criminal penalties in accordance with Ohio law.
6. **Property Damage/Vandalism:** Marking, defacing, or damaging school or personal property of others is forbidden. Violators of this rule will be required to pay for repair or replacement according to the laws of the State of Ohio and may face other disciplinary action, including suspension and/or expulsion from school. If the cadet is a minor, his/her parent(s)/guardian(s), by law, are financially responsible for any damage to school property. Violators will be referred to law enforcement if retribution is not made to the school for damages sustained.
7. **Sexual Harassment:** Cadets are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment. Sexual harassment includes among other things: unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature including epithets, derogatory comments, slurs, or suggestive jokes. Violation of this policy may result in removal of cadets from class, suspension, and/or expulsion. For additional information, please see the district policy posted in the Captain/Commander's Office.
8. **Smoking and Tobacco:** Possession of tobacco, smoking, evidence of smoking, use of snuff, chewing tobacco, tobacco look-a-likes, or other tobacco products on school property, in the school building, or on campus is not permitted. Obvious possession, smoking, chewing tobacco, using snuff or tobacco look-a-likes, exhaling of smoke, or tobacco in hand or mouth shall be sufficient evidence of tobacco usage or possession. Consequences for smoking and/or possession of tobacco will result in suspension and/or expulsion from the Academy. This includes e-cigarettes or any other vapor producing apparatus.
9. **Theft and Unauthorized Use of Others' Property:** Theft of property, whether it is a fellow cadet, staff member, or property owned by The Maritime Academy of Toledo Board of Education, may result in the cadet(s) being suspended from school and/or a recommendation for expulsion. The unauthorized use of property, whether it be another person's or Board of Education-owned, may result in suspension from school. The length of the suspension (1 to 10 days) will be determined by the Captain. Violators may be referred to law enforcement.
10. **Threats:** Any verbal or written threat to the safety of a cadet, staff member, or other person will be taken very seriously. Any threat, including hoax threats, will result in disciplinary action, which may include suspension with a recommendation for expulsion and referral to law enforcement.
11. **Gang Affiliation and/or Activity:** Use of gang signs, gang language, either audible or written, and recruiting for gang membership is not allowed.
12. **Internet Usage:** Using the school's internet server to access inappropriate websites (Social Media, i.e. Facebook, etc., sites of a sexual nature, or promotion of hate or violence, etc.) will result in loss of computer privileges for a specified period of time. Any subsequent violation could result in suspension or expulsion depending on the situation.



- 13. Leaving Class without Permission:** Cadets are never permitted to leave a class without permission. If a cadet chooses to leave class without permission they will be met with severe consequences, regardless of the reason for leaving class. Consequences could include out of school suspension and expulsion if determined by the Superintendent.
- 14. Chronic Discipline Problems:** Cadets who compile a continuing record of code of conduct violations will be suspended. With escalating discipline problems the cadet may be given notice of expulsion. Should the cadet continue with chronic misbehavior, the cadet will be expelled. Cadets who are serious chronic discipline problems may also be expelled without suspension.

#### Class 4 Violation

	1 <sup>st</sup> Consequence	2nd Consequence	3rd Consequence
	Assistant Principal	Assistant Principal and/or Principal	Principal and Superintendent
	<ul style="list-style-type: none"> <li>▪ Assistant Principal may issue an Out of School Suspension.</li> <li>▪ Immediate Parent contact</li> <li>▪ Emergency removal of school if necessary.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Possible 10 day suspension with intent to expel.</li> <li>▪ Immediate Parent Contact</li> <li>▪ Emergency removal of student if deemed necessary.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Principal could issue a 10 day suspension with intent to expel.</li> <li>▪ Up to 80 day expulsion could result</li> </ul>

#### Class 4 Code of Conduct Violations Definitions:

All Class 4 violations may result in immediate expulsion from school for up to 180 days. All Class D violations require immediate removal from the school building by either a parent/guardian and/or the proper authorities depending upon the severity of the incident.

- 1. Fighting or Physical Assault of a Peer:** Fighting with and/or physical assault of a peer in school, on school grounds, or at school sponsored events will be severely and swiftly dealt with. This may include immediate expulsion for a period of up to 180 days. Law enforcement may be contacted and a safe schools violation may be filed. Additionally, the student who has been physically assaulted has the option of filing charges with proper civil authorities.
- 2. Physical Assault, Verbal Assault or Abuse, Profanity, Threats, and Obscene Gesture Toward a Staff Member or Other Adult:** In order for our school to function effectively, our staff must maintain a position of respect and leadership with cadets. Any cadet's physical assault or verbal assault or abuse of a staff member or any adult, or a cadet's use of profanity or obscene gestures toward a member of the staff or any other adult has the effect of lessening that respect plus presenting a threat and physical danger to the person. Any cadet who assaults a staff member will be immediately expelled for a period of 180 days. Any student who abuses, uses profanity, or uses an obscene gesture toward any member of the school staff may be expelled from school, The person who has been physically or verbally assaulted or threatened has the option of filing charges with proper civil authorities. Cadets MAY NOT post or share threatening comments or images related to any school or government building on the internet or social media sites. This will result in police involvement to investigate any incident of threats being made.
- 3. Firearms, Weapons, Dangerous Instruments, Dangerous Substances, Fireworks:** Section 2923.11 & 12 of the Ohio Revised Code states that no person shall knowingly carry or have concealed on his person or concealed ready at hand any weapon or dangerous instrument or any "look-alike" weapon or use any other object as a weapon. The state law affects all persons and therefore it must be understood that cadets at The Maritime Academy of Toledo shall not possess, handle, or transmit weapons or dangerous instruments on school grounds before, during, or after school hours or at school functions, activities or events. This includes fireworks. Persons violating this section of the law and the Cadet

Handbook regulation shall be subject to **immediate expulsion** from school and referral to law enforcement.

## **Transportation Discipline**

Bus suspensions (for bus riding privileges only, but not for suspension from School) may be imposed for any period of time as set forth in the School's Code of Conduct. Students are required to be provided notice of an intended suspension (which is not required to be in writing) and an opportunity to appear before the Principal before a suspension is imposed.

If immediate removal of a Student is authorized, the Student must be given notice, as soon as practicable, of the reasons for the removal and of a hearing before the Principal which must be held within seventy-two (72) hours of the removal. Immediate removal is authorized when the Student's presence poses a danger to persons or property or a threat to the safe operation of the school bus. The length of time removed from ridership shall be in accordance with the School's Code of Conduct. If students are being transported by the home district and not by the School, and if the home district requires its own code of conduct to be imposed, the School shall post the bus riding code of conduct of the home school districts from which Students are being transported, in a central location in each School building, and make them available to Students or Parents upon request.

Suspensions or immediate removal from bus riding privileges of disabled students shall be accomplished in accordance with the laws governing suspension and expulsion of disabled students.

R.C. 3313.66; R.C. 3313.668; R.C. 3327.014; OAC 3301-83-08

See Appendix 273-A Notice of Intended Suspension from School; Appendix 273-B Notice of Emergency Removal and Intent to Suspend from School; Appendix 273-C Notice of Suspension from School; Appendix 273-D Notice of Rights Re: Suspension from School; Appendix 273-E Notice of Intended Expulsion from School; Appendix 273-F Notice of Emergency Removal and Intent to Expel from School; Appendix 273-G Notice of Expulsion from School; Appendix 273 H Notice of Rights Re: Expulsion from School (for Use for Expulsions of 20 School Days or Less Only); and Appendix 273-I Notice of Rights Re: Expulsion from School (for Use for Expulsions of More than 20 School Days Only).

## **272 Schools and Law Enforcement Agencies**

It is desirable and advisable that the School maintain a good relationship with police, the Court, parole officers, Children's Services Board, and other agencies that deal with the public welfare, insofar as it benefits and protects the student, the School, personnel, School property, and the home.

Whenever a law enforcement officer (including police, parole, children's services, Board, or other agency representative) calls at the School in the performance of duty, the officer shall, upon arrival, be required to:

1. contact the proper school official;
2. produce satisfactory personal identification indicating the source of authority; and
3. state the purpose of business with the School.

In cases where the officer requests permission to question a student during School hours, the Principal or his/her designee shall first contact the parent or guardian for permission to question the student, and the parent or guardian shall be given the opportunity to be present during the questioning. The student shall then be called to the office for the interview.

The Principal or his/her designee shall remain present during the questioning, to represent the best interests of the School and may facilitate the interview or otherwise assist the student and parent or guardian if it seems advisable.

If the parent or guardian gives permission for the interview to take place, but cannot be present, or waives that right, then the Principal or his/her designee must be present to facilitate the interview or otherwise assist the student to the best of their ability. The student may specifically request another counselor or teacher to be present also.

If the parent or guardian refuses permission to question the student during School hours or cannot be contacted, the officer shall be informed of this, and the student shall not be called to the office for the interview.

In any case in which the officer wishes to take the student from School premises for questioning, permission from the parent or guardian to release the student to the officer shall be secured by the Principal or his/her designee. However, if the officer actually arrests the student for the commission of a crime, the student is to be released, even though the parents or guardians cannot be reached for notification; or, having been reached, refuse consent.

Notwithstanding anything to the contrary in this policy, if a student is being questioned as a potential victim, and the officer states that law enforcement feels it inadvisable or inappropriate to contact a parent or guardian or have a parent or guardian present, the School will comply with the law enforcement officer and allow questioning of the student at the direction of the officer, provided the Principal or his/her designee is present to the fullest extent allowed by the officer.

Statutory regulations concerning the rights of students as citizens shall be observed at all times and complied with by both law enforcement and school officials. Students are entitled to full protection under the law.

All types of officers and agency representatives shall be required to follow the procedures described in this Policy.

## **273 Expulsion and Suspension Policies**

The Principal or his/her designee may suspend a student for up to ten (10) school days. The person designated as Superintendent in OEDS-R (hereafter “Superintendent”) may expel a student for up to eighty (80) school days, and in some instances, one (1) year. Provided however, beginning with the 2019-2020 school year neither the Principal nor the Superintendent shall initiate the process of issuing an out-of-school suspension or expulsion to students in grades pre-kindergarten through three, unless the student has committed a firearm, bomb-threat, or knife offense; or other criminal offense that results in serious bodily injury or property damage; or where the student’s out-of-school suspension or expulsion is necessary to protect the immediate health and safety of the student, fellow classmates, or school personnel. The Principal or Superintendent may not suspend, expel, or remove any student from School solely on the basis of the student’s unexcused absences from School.

In the event that, in the opinion of the Principal or his/ her designee, a student's presence at the School creates a health risk, presents a danger to other persons or property or seriously disrupts the functions of the School, the student may be removed from the premises without formal suspension or expulsion procedures. A removed student in grades pre-kindergarten through three may be removed for the remainder of the school day and shall be permitted to return to curricular and extracurricular activities on the following school day without a hearing, unless the student’s conduct warranting the emergency removal is likely to result in an out-of-school suspension or expulsion. Students in grades four through twelve may be removed, and must be provided with notice and procedures to follow the removal in accordance with R.C. 3313.66, including a hearing on the next school day following the removal.

A student shall be expelled for one (1) year for bringing a firearm to the School or onto school property (any property owned, used, or leased by the School for School, School extracurricular, or School-related events).

A student may also be expelled for a period not to exceed one (1) year for:

1. bringing a firearm to an interscholastic competition, an extracurricular event, or any other School program or activity that is located at a School or on school property;
2. bringing a knife to the School, onto school property, or to an interscholastic competition, an extracurricular event, or any other program or activity sponsored by the School or in which the School is a participant;
3. possessing a firearm or knife at School, on school property, or at an interscholastic competition, an extracurricular event, or any other School program or activity which firearm or knife was initially brought onto school property by another person;
4. committing an act that is a criminal offense when committed by an adult that results in serious physical harm to persons or serious physical harm to property;
5. 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.

A firearm is defined as any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or silencer, or any destructive device. A destructive device,

## Maritime Academy Governing Board Policies

includes but is not limited to, any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having an explosive or incendiary charge of more than one quarter ounce, mine, or other similar device.

A knife is defined as any cutting instrument consisting of at least one sharp blade that is capable of causing serious bodily injury.

The specific circumstances under which the Superintendent may modify a one (1) year expulsion could include:

1. a recommendation from the group of persons knowledgeable of the student's educational needs in accordance with the Individual with Disabilities Education Act;
2. the student was unaware that s/he was possessing a firearm or knife;
3. the student did not understand that the item s/he possessed was considered a firearm or knife;
4. the student brought the item to School as part of an educational activity and did not realize it would be considered a firearm or knife; and
5. the student may be eligible for participation in an alternative program.

A student may be expelled for up to eighty (80) days for serious misconduct or rules violations, or for other just cause.

During the period of suspension, removal, or expulsion, the student may not attend or participate in any School functions without permission from the Principal. The student may enter School facilities only when given permission by Principal or if accompanied by a parent or guardian who accepts responsibility for the student's actions and/or behavior at the facility.

Students issued an in-school suspension shall serve suspensions in a supervised learning environment and may be permitted to complete any classroom assignments missed because of the suspension. While serving an out-of-school suspension, the Board [☒ does or ☐ does not] authorize students to receive instructional services from the School. If students are authorized to receive instructional services from the School, then such instructional services may include completing of tests and exams; homework packets; individual tutoring; library or online assignments; essay on behavior leading to suspension; and grading of all work. Any student serving an out-of-school suspension shall be permitted to complete any classroom assignment missed due to the suspension and receive at least partial credit for the completed assignment; however, the student may receive a reduced assignment grade on account of the suspension. The School will not automatically award a failing grade on any complete assignment solely based on the student's suspension.

The Board also authorizes the Principal to suspend a student from any or all co-curricular or extra-curricular activities for misconduct or rules violations. The length of suspension shall be determined by the Principal commensurate with the seriousness of the student's misconduct or rules violations in accordance with the Code of Conduct. Participation in extra-curricular activities is a privilege and not a right. Accordingly, students prohibited from participating in all or part of any extra-curricular activity are not entitled to notice, hearing, or appeal rights.

If the Principal determines that a student's behavior on a School vehicle violates School rules, s/he may suspend the student from School bus riding privileges for the length of time deemed appropriate for the violation and remediation of the behavior.

## Maritime Academy Governing Board Policies

The Board authorizes the Principal the option to require a student to perform community service or another alternative consequence in conjunction with, or in place of, a suspension or expulsion, except when an expulsion is imposed for bringing a firearm to School or onto school property.

The Board designates the Superintendent or his/her designee as its representative at all hearings regarding the appeal of a suspension, provided the Principal and Superintendent are not the same person. If the Principal and Superintendent are the same person, a committee of the Board, or an administrator who is not involved in the suspension decision, will hear the appeal of the suspension.

A committee of the Board, or X The Board's designee, an administrator who is not the Superintendent and is not involved in the expulsion, will hear the appeal of an expulsion.

The Superintendent shall be responsible for implementing this policy and ensuring compliance with applicable laws.

A copy of this Policy is to be posted in common areas of the School and made available to students and parents upon request.

### Due Process Rights

#### Suspension

The following procedure does not apply to in-school suspensions. The Principal may suspend a student if the following procedure is met:

1. Prior to the imposition of the suspension, a written Notice of Intent to suspend will be given to the student, which contains the following:
  - a. The reasons for the intended suspension; and
  - b. If the suspension is based on one of the serious criminal offenses for which permanent exclusion is allowed, and if the student is age 16 or older, the notice must also indicate the possibility that the Superintendent may seek permanent exclusion.
2. Beginning with the 2019-2020 school year, if the student is in grades pre-kindergarten through three, whenever possible, the Principal shall consult with a mental health professional under contract with the School, if any, prior suspending the student.\* If the events leading up to the suspension indicate a need for additional mental health services, the Principal or mental health professional shall, in any manner that does not result in a financial burden to the School, assist the student's parent or guardian with locating providers or obtaining those services, including referral to an independent mental health professional.
3. The student must be allowed an informal hearing before the Principal or his/her designee to challenge the reasons for the intended suspension or otherwise explain his/her actions. The student is not entitled to call witnesses at this informal hearing.
4. Within one school day after the suspension is imposed, the Principal or his/her designee shall provide written notification of the suspension to the parent, guardian, or custodian. The notice must contain the following:
  - a. The reasons for the suspension;
  - b. Notification of the right to appeal to the Board of Directors or its designee. The intent to appeal must be in writing and received by the Board of Directors within 14 days after receiving the notice.

## Maritime Academy Governing Board Policies

- c. The right to representation at all appeals;
- d. The right to a hearing before the Board or its designee; and
- e. The right to request that the hearing be held in executive session.

If the suspension is based on one of the serious criminal offenses for which permanent exclusion is allowed, and the student is age 16 or older, the notice must also indicate the possibility that the Superintendent may seek permanent exclusion.

If an out-of-school suspension is imposed during the last ten (10) days of the school year, the suspension will not be carried over into the following school year. However, the Principal may require the student to participate in a community service program or another alternative consequence for the number of hours equal to the remaining part of the period of the suspension, during the first full week day of the summer break. If the student fails to complete the community service or alternative consequence, the School may determine the next course of action, provided however, that the School not require the student to serve the remaining time of the out-of-school suspension at the beginning of the following school year. The Principal or his/her designee may develop an appropriate list of alternative consequences.

### Expulsion

Only the Superintendent may expel a student. The following procedure is required:

1. Prior to the imposition of the expulsion, the Superintendent must provide not only the student, but also the parent, guardian, or custodian written notice of his intention to expel. The notice must include the following:
  - a. The reasons for the intended expulsion; and
  - b. The time and place for a hearing, which must be not less than three nor more than five school days after giving the notice, unless the period is extended by the Superintendent at the request of the student, his parent, custodian, guardian, or representative. The parent, guardian, or custodian must be sent written notice of any extension, and the subsequent notice should contain the same information required in the original notice.
  - c. If the student is age 16 or older and the expulsion is for one of the serious criminal offenses for which permanent exclusion is allowed, the notice must also indicate the possibility that the Superintendent may seek permanent exclusion.
2. Beginning with the 2019-2020 school year, if the student is in grades pre-kindergarten through three, whenever possible, the Superintendent shall consult with a mental health professional under contract with the School, if any, prior to expelling the student.\* If the events leading up to the expulsion indicate a need for additional mental health services, the Superintendent or mental health professional shall, in any manner that does not result in a financial burden to the School, assist the student's parent or guardian with locating providers or obtaining those services, including referral to an independent mental health professional.
3. A hearing must be scheduled not less than three or more than five school days after giving the notice, for the student and his parent, guardian, custodian or representative to appear in person before the Superintendent to challenge the reasons for the expulsion or otherwise explain his/her actions.
4. Within one school day after the expulsion is imposed, the Superintendent shall provide written notification to the parent, guardian, or custodian of the student and the treasurer of the Board of Directors of the expulsion. The notice must include the following:

## Maritime Academy Governing Board Policies

- a. The reasons for the expulsion;
- b. Notification of the right to appeal to the Board of Directors or its designee. The intent to appeal must be in writing and received by the Board of Directors within 14 days after receiving the notice.
- c. The right to representation at all appeals;
- d. The right to an appeal hearing before the Board or its designee;
- e. The right to request that the hearing be held in executive session;
- f. If the expulsion is based on one of the serious criminal offenses for which permanent exclusion is allowed, and the student is age 16 or older, the notice must also indicate the possibility that the Superintendent may seek permanent exclusion;
- g. When the Superintendent expels a student for more than twenty days or for any period of time extending into the next semester or school year, the School shall provide, along with this notice, the student and his 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 behaviors that contributed to the incident giving rise to the expulsion. The information must include names, addresses, and phone numbers or the appropriate public and private agencies.

During the period of expulsion, the School may, but is not required to, continue educational services in an alternative setting.

The Superintendent is required to follow through on expellable offenses even if the student in question withdraws from the School prior to the hearing or the Superintendent's decision.

The Superintendent may apply any remaining part or all of the period of expulsion into the following year.

\*A community school, community school governing authority, or community school employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from a school employee's decision not to provide or procure mental health services for a suspended or expelled student in any of grades pre-kindergarten through three, unless the decision is made with malicious purpose, in bad faith, or in a wanton or reckless manner.

### Prohibition of Corporal Punishment

All teachers, administrators, non-licensed school employees, and school bus drivers are prohibited from inflicting or causing to be inflicted corporal punishment as a means of discipline upon a pupil attending the School. However, they may, within the scope of their employment, use and apply such amount of force and restraint as is reasonable and necessary to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon the person or within the control of the pupil, for the purpose of self-defense or for the protection of persons or property.

*R.C. 3313.66-.662; R.C. 3313.668; R.C. 3321.13(B)(4); R.C. 4510.32(B); 20 USC 7961(b)(1)*

See Appendix 273-A Notice of Intended Suspension from School; Appendix 273-B Notice of Emergency Removal and Intent to Suspend from School; Appendix 273-C Notice of Suspension from School; Appendix 273-D Notice of Rights Re: Suspension from School; Appendix 273-E Notice of Intended Expulsion from School; Appendix 273-F Notice of Emergency Removal and Intent to Expel from School; Appendix 273-G Notice of Expulsion from School; Appendix 273-H  
ADOPTED 09/09/2024



## Maritime Academy Governing Board Policies

Notice of Rights Re: Expulsion from School (for Use for Expulsions of 20 School Days or Less Only); and Appendix 273-I Notice of Rights Re: Expulsion from School (for Use for Expulsions of More than 20 School Days Only).

## **274 Permanent Exclusion of Non-Disabled Students**

In accordance with the law, the Board may seek to permanently exclude a student, sixteen (16) years of age or older, who has been convicted of or adjudicated delinquent for the reason of the following offenses:

1. carrying a concealed weapon or conveying or possessing a deadly weapon or dangerous ordnance on property owned or controlled by the Board or at an activity held under the auspices of this Board;
2. possessing, selling, or offering to sell controlled substances on property owned or controlled by the Board or at an activity under the auspices of this Board; and
3. complicity to commit any of the above offenses, regardless of where the complicity occurred.

In accordance with law, any student, sixteen (16) years of age or older, who has been convicted or adjudicated delinquent for committing the following offenses may be subject to permanent exclusion:

- A. rape, gross sexual imposition or felonious sexual penetration;
- B. murder, manslaughter, felonious or aggravated assault; and
- C. complicity to commit offenses described in paragraphs A and B, regardless of where the complicity occurs.

The above statement of policy on permanent exclusion is to be posted in a central location in each School facility as well as made available to students, upon request.

If the Superintendent has adequate evidence that a student, sixteen (16) years old or older at the time of the offense, has been convicted of or is an adjudicated delinquent resulting from any of the above offenses and determines that the Student's continued attendance in school may endanger the health and safety of other students or school employees, she/he shall submit a written recommendation to the Board that the student should be permanently excluded from the public School by the State Superintendent of Public Instruction (State Superintendent) after providing notice to the student's parent. The recommendation is to be accompanied by the evidence, other information required by statute, and the name and position of the person who should present the School's case to the State Superintendent.

The Board, after considering all available evidence, including the following, shall take action within fourteen (14) days after receipt of the Superintendent's recommendation.

1. The academic and extracurricular record of the student;
2. The disciplinary record of the student and any available records of the student's prior behavioral problems not contained in the disciplinary record;
3. The social history of the student;
4. The student's response to the imposition of prior discipline for behavioral problems;
5. Evidence regarding the seriousness of the offense and any aggravating factors;
6. Any mitigating circumstances surrounding the offense;
7. Evidence regarding the probable danger posed to the health and safety of other students or school employees by the continued presence of the pupil in a public school setting;
8. Evidence regarding the probable disruption to the School's graded course of study caused by the continued presence of the student; and
9. Evidence regarding the availability of alternative, less serious sanctions that would enable the student to remain in a public school setting without posing a significant danger to the

health and safety of other students or employees and without posing a threat of the disruption to the School's graded course of study.

If the Board adopts the resolution, the Board shall submit it to the State Superintendent, together with the required documents and the name of the person designated by the Board as its representative to present the case to the State Superintendent. A copy of the resolution shall be sent to both the student and his/her parents. If the Board does not pass the resolution, it shall so notify the Superintendent, in writing, who, in turn, shall provide written notification of the Board's action to both the student and his/her parents.

If the State Superintendent rejects the Board's request, the School shall re-admit the student in accordance with statute and Board guidelines. If the State Superintendent acts on the Board's request, his/her actions shall be in accordance with the procedures described in Ohio Revised Code 3301.121.

Any information regarding the permanent exclusion of a student shall be included in the student's official records and shall be included in any records sent to any school that requests the student's records. The school shall remove and destroy all references to the exclusion from the student's file when the permanently excluded student reaches the age of twenty-two (22) or when the permanent exclusion of the student is revoked.

*R.C. 3313.662; R.C. 3301.121.*

## **275 Discipline/Suspension/Expulsion of Disabled Students**

In matters relating to the disciplining of disabled students, the Board shall abide by federal and state laws regarding suspension and expulsion. The Principal will follow the guidelines below and ensure they are properly used when disciplining any student with a disability.

### Removals of Not More Than 10 Days – The 10-Day Rule

The School may unilaterally remove a Student with a disability who violates a code of student conduct from the Student's current placement for not more than ten (10) school days. This option may be used only if the disciplinary action is consistent with actions taken against nondisabled students. The School may place Students removed under the 10-day rule in an appropriate interim alternative educational setting (“IAES”) if applicable (see below), another setting, or suspend them. Removals under the 10-day rule are not considered a “change of placement” and the School is not obligated to provide services to Students during those removals. The School can use the 10-day rule to remove a student for either a single removal of ten (10) consecutive school days; or a series of shorter-term removals over the course of the school year that are more than ten (10) school days during that school year, so long as those removals do not constitute a pattern of removals (and therefore, a change of placement). When a removal is not a change of placement, an IEP meeting is not required. However, if one or more IEP team members believe that modifications are needed to the Student’s behavior plan, the team shall meet to modify the plan and its implementation to the extent the team determines necessary.

### Removals of More than 10 Days – Change of Placement

A change of placement occurs if a removal is for more than ten (10) consecutive school days; or if a Student is subjected to a series of removals which accumulate to more than ten (10) school days, that constitute a pattern. If a change of placement occurs (after a Manifestation Determination Review (see below)), then the School must notify the parents or guardians of that decision. This notice must inform the parents or guardians of all the procedural safeguards accorded under the law. These safeguards include a Manifestation Determination Review, a right to receive services, and a continuation of services for a free appropriate public education. The School must provide services that:

- enable the Student to continue to participate in the general education curriculum (although in another setting); and
- enable the Student to progress toward meeting the goals set out in the Student’s IEP.

### Manifestation Determination Review (“MDR”)

The School will conduct an MDR to examine a Student's behavior before imposing disciplinary consequences that would amount to a change of placement. The purpose of the MDR is to determine whether a Student’s disability caused, influenced or otherwise impacted the Student’s behavior in question. To make this determination, the Student’s IEP team is required to review certain information and determine whether the behavior causing the disciplinary infraction is or is not a manifestation of the Student’s disability.

The MDR is not required for disciplinary removals that do not constitute a change of placement, that is, less than ten (10) school days per incident or a series of removals accumulating to more than ten (10) school days in one school year that do not constitute a pattern.

No later than the date on which the decision to take a disciplinary action which may be a change of placement is made, the School must notify the parents or guardians of that decision and of all procedural safeguards, including the MDR. The School and the parents or guardians must determine which members of the IEP team are relevant to conduct the manifestation determination. The team will review all relevant information in the Student's file to determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the Student's disability or was the direct result of the School's failure to implement the IEP. If the team determines that either condition is applicable for the Student, it must determine that the conduct is a manifestation of the Student's disability.

*Manifestation* – If the team determines that the behavior was a manifestation of the Student's disability, the full IEP team must meet the following requirements:

- conduct a functional behavior assessment and implement a behavior intervention plan for the student, unless the School conducted a functional behavior assessment prior to the manifestation determination;
- if the IEP team already developed a behavior intervention plan, it must review and modify the plan as necessary to address the behavior; and
- return the Student to the placement from which he or she was removed; 45-day rule exception applies.

*No Manifestation* – If the team determines that the behavior was NOT a manifestation of the disability, the School may discipline the Student using the relevant disciplinary procedures applicable to Students without disabilities in the same manner and for the same duration, continuing to provide services to Students with disabilities.

If a Student's behavior was not a manifestation of the disability, the School will still take steps to attend to the Student's behavior. The Student must receive, as appropriate, a functional behavior assessment, behavioral intervention services, and modifications designed to address the behavior violation in order to attempt to prevent a reoccurrence.

*Exceptions to the MDR Requirement* – The Unilateral Change in Placement and 45-Day Rule

School personnel may remove a Student to an IAES for up to forty-five (45) school days, without a prior MDR or IEP meeting, when a Student:

- carries or possesses a weapon (a device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except that the term does not include a pocket knife with a blade of less than 2 1/2 inches in length);
- knowingly possesses or uses illegal drugs (a controlled substance not legally possessed or used under the supervision of a licensed health care professional, or legally possessed or used under any other authority under the Controlled Substances Act (21 U.S.C. 812) or under any other provision of federal law), or sells or solicits the sale of a controlled substance (a drug or other substance identified under Schedule I, II, III, IV or V in the Controlled Substances Act); or
- has inflicted serious bodily injury on another person (a cut, abrasion, bruise, burn or disfigurement, physical pain, illness, impairment of the function of a bodily member, organ or mental faculty, or any other injury, no matter how temporary).

## Maritime Academy Governing Board Policies

This authority can be exercised if a Student commits any of the offenses described above at the School, on the School premises, or at a School function.

The IEP team will meet subsequent to the unilateral placement in an IAES and must determine what the permanent setting will be, take steps to modify the student's IEP, as appropriate, provide appropriate behavioral intervention services and modifications designed to address the behavior violation so that it does not recur, and continue to provide the Student with educational services to enable him or her to participate in the general education curriculum and to progress toward IEP goals.

The School must still do an MDR, but it can occur after the removal to the 45-day setting. If the conduct is a manifestation of the Student's disability, the School must still meet all of the requirements outlined above for the MDR, with the additional exception that the Student stay in the alternative placement for 45 school days, regardless of the outcome of the manifestation.

### Due Process Complaint

Parents or guardians who disagree with any decision regarding placement or the outcome of an MDR may appeal the decision through the filing of a due process complaint and may request an expedited due process hearing.

The School may request a hearing to change a Student's placement if the School believes that maintaining the Student's current placement is substantially likely to result in injury to the Student or others. Under those circumstances, the hearing officer may order a change in placement of a Student with a disability to an IAES for a period of up to forty-five (45) school days if the hearing officer agrees with the School's assessment.

During any due process proceedings, the Student's placement, through a disciplinary action, must not change unless the parents/guardians and the School agree otherwise, or upon admissions to the School and parent/guardian consent. The School may change the Student's placement when taking disciplinary actions that constitute a change of placement against students with disabilities, or Students who may be eligible for IDEA services.

In the case where a Student has been placed in an IAES, the Student will remain in the IAES chosen by the School, pending the hearing officer's decision or until the time period expires, whichever occurs first, unless the Parent and School agree otherwise. An expedited hearing will be arranged during an IAES appeal and will occur within twenty (20) days of the hearing request, and the hearing officer must make a determination within ten (10) school days after the hearing.

## **275.1            Disciplining a 504 Student**

### Section 504 Manifestation Determination Reviews

A Student on a 504 Plan is to be afforded due process relating to any proposed change in educational placement where the Student is subject either to expulsion or suspension for a period of more than ten (10) consecutive school days or a series of suspensions that are each ten (10) or fewer school days in duration, but exceed ten (10) school days in the aggregate and create a pattern of exclusions. In all such cases, except in the case where such suspension or expulsion pertains to the use or possession of illegal drugs or alcohol as detailed below, the School shall follow the procedures outlined in Policy 275 Discipline/Suspension/Expulsion of Disabled Students.

### Disciplinary Procedures for Students Possessing or Using Alcohol or Illegal Drugs

The School may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any Student on a 504 Plan who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against Students without disabilities, in accordance with Policy 273 Expulsion and Suspension Policies. In such a case, the disability due process procedures found in Policy 275 Discipline/Suspension/Expulsion of Disabled Students are inapplicable.

### Emergency Removal from Placement

Emergency removal of a 504 student from his/her current placement may take place through parental agreement to an interim placement or through injunctive relief from a court, when the current placement presents a substantial likelihood of resulting in injury to the student or others.

*29 USC 701 et seq. (Section 504 of the Rehabilitation Act of 1973)*

See also Policy 228 Section 504 of the Rehabilitation Act of 1973.

## 276 Positive Behavioral Interventions and Supports, Seclusion, and Restraint

This policy governs the use of positive behavioral methods and emergency safety interventions including seclusion and restraint. Any use of emergency safety interventions that does not meet the requirements set forth below is prohibited.

### **Definitions**

Aversive behavioral interventions: an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including interventions such as: application of noxious, painful and/or intrusive stimuli, including any form of noxious, painful or intrusive spray, inhalants or tastes, or other sensory stimuli such as climate control, lighting, and sound.

Behavior Intervention Plan: a comprehensive plan for managing problem behavior by changing or removing contextual factors that trigger or maintain the behavior, by strengthening replacement skills, teaching new skills, and providing positive behavior intervention and supports and services to address the behavior.

Chemical Restraint: a drug or medication used to control a student's behavior or restrict freedom of movement that is not (A) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and (B) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under State law.

De-escalation techniques: are strategically employed verbal and non-verbal interventions used to reduce the intensity of threatening, violent, and disruptive behavior before a crisis occurs.

Functional Behavior Assessment (FBA): is a collaborative problem-solving process used to describe the function or purpose that is served by a student's behavior. Understanding the function that an impeding behavior serves for the student assists directly in designing educational programs and developing behavior plans with a high likelihood of success.

Mechanical Restraint: (A) any method of restricting a student's freedom of movement, physical activity, or normal use of the student's body, using an appliance or device manufactured for this purpose; and (B) does not mean devices used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including: (1) restraints for medical immobilization; (2) adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or (3) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

Parent: (A) a biological or adoptive parent; (B) a guardian generally authorized to act as the child's parent, or authorized to make decisions for the child (but not the State if the child is a ward of the State); (C) an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; (D) a surrogate parent who has been appointed in accordance with O.A.C. 3301-51-05(E); and (E) any person identified in a judicial decree or order as the parent of the child or the person with authority to make educational decisions on behalf of the child.



Physical Escort: the temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip, or back for the purpose of inducing a student to move to a safe location.

Physical Restraint: the use of physical contact that immobilizes or reduces the ability of a student to move his/her arms, legs, body, or head freely. This does not include a physical escort, mechanical restraint, or chemical restraint, or brief, but necessary, physical contact for the following purposes: (A) to break up a fight; (B) to knock a weapon away from student's possession; (C) to calm or comfort; (D) to assist a student in completing a task if the student does not resist the contact; or (E) to prevent a threat to the immediate safety of the student or others.

Positive Behavior Interventions and Supports ("PBIS"): (A) a school-wide systematic approach to embed evidence-based practices and data driven decision making to improve school climate and culture in order to achieve improved academic and social outcomes and increase learning for all students, and (B) that encompasses a wide range of systemic and individualized positive strategies to reinforce desired behaviors, diminishes reoccurrences of challenging behaviors, and teaches appropriate behavior to students.

Positive Behavior Interventions and Supports Leadership Team: the team at the School that plans, coaches and monitors implementation on PBIS. The team may include the a School administrator, teacher representatives across grade levels, and staff able to provide behavioral expertise, and other representatives identified by the district or school such as bus drivers, food service staff, custodial staff, and paraprofessionals.

Prone Restraint: physical or mechanical restraint while the student is in a face down position.

Seclusion: involuntary isolation of a student in a room, enclosure, or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier.

Student personnel: teachers, principals, counselors, social workers, school resource officers, teachers' aides, psychologists, bus driver, related service providers, nursing staff, or other School staff who interact directly with students.

Timeout: a behavioral intervention in which a student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

### **Creation of Positive Behavioral Intervention and Supports**

The School shall establish an evidence-based school wide system of positive behavioral interventions and supports that will apply in all settings to all students and staff. The system shall include family involvement. The School's PBIS framework includes all of the following:

- A. A decision-making framework that guides selection, integration, and implementation of evidence-based academic and behavior practices for improving academic and behavior outcomes for all students;
- B. Data-based decision making to select, monitor, and evaluate outcomes, practices, and systems;
- C. Evidence-based practices along a multi-tiered continuum of supports;
- D. Systems that enable accurate and sustainable implementation of practices; and
- E. Progress monitoring for fidelity and target outcomes.

The School's implementation of its PBIS framework includes:

- A. Explicit instruction of school-wide behavior expectations;
- B. A consistent systems of acknowledging and correcting behaviors;
- C. Teaching environments designed to eliminate behavior triggers; and
- D. Family and community involvement.

### **Prohibited Practices**

The following are **prohibited under all circumstances**, including emergency safety situations:

- A. Prone restraint;
- B. Any form of physical restraint that involves the intentional, knowing, or reckless use of any technique that:
  - i. involves the use of pinning down a student by placing knees to the student's torso, head, or neck;
  - ii. uses pressure point, pain compliance, or joint manipulation techniques; or
  - iii. otherwise involves techniques that are used to unnecessarily cause pain.
- C. Corporal punishment;
- D. Child endangerment as defined in R.C. 2919.22;
- E. Deprivation of basic needs;
- F. Seclusion or restraint of preschool students (if any);
- G. Mechanical or chemical restraints;
- H. Aversive behavioral interventions;
- I. Seclusion of students in a locked room or area; or
- J. Any physical restraint that obstructs the student's airway or impacts the student's primary mode of communication.

Staff must:

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

### **Restraint**

Restraint may be used only in a manner that is age and developmentally appropriate, when there is an immediate risk of physical harm to the student or to others and no other safe and effective intervention is possible. Physical restraint must be performed by trained staff, except in the case of an unavoidable emergency situation.

Physical restraint may not be used for punishment, discipline, or as a substitute for other less restrictive means of assisting a student in regaining control, and should be used only as a last resort.

### **Seclusion**

Seclusion may be used as a last resort for the student to regain control; it is age and developmentally appropriate; there is an immediate risk of physical harm to the student or others; and there is no other safe and effective intervention available.

Seclusion shall not be: used for punishment or discipline; as a substitute for an education program; as a substitute for inadequate staffing, or for staff training in PBIS frameworks and crisis management; for the convenience of staff; as a means to coerce or retaliate; in a manner that endangers the student; or, as a substitute for other less restrictive means of assisting the student in regaining control reflective of the cognitive, social, and emotional levels of the student.

The room or area used for seclusion cannot be locked, and must allow for the student to exit the area should the staff become incapacitated or leave the area. The room or area must also provide for adequate space, lighting, ventilation, and the ability to observe the student. The student must be under constant supervision by staff trained to detect indications of physical or mental distress that require removal and/or immediate medical assistance and who document their observations of the student.

### **Multiple Incidents and Functional Behavioral Assessment**

For students eligible for special education per the Individuals with Disabilities Education Act (“IDEA”) or who have a Section 504 Plan, the School shall convene the IEP team or Section 504 team within ten (10) school days after the third incident of seclusion or physical restraining in a school year. The IEP team or Section 504 team will consider the need to conduct a functional behavioral assessment (“FBA”). If necessary, this FBA should be followed by a behavioral intervention plan (“BIP”), or an amendment to an existing BIP, that incorporates appropriate positive behavioral interventions.

### **Training and Professional Development**

The School PBIS Leadership Team or other qualified training shall train all staff working with students at least every three (3) years on the requirements of this policy and shall keep written or electronic documentation of the type of training and the participants. Professional development will include:

- A. An overview of PBIS;
- B. The process for teaching behavioral expectations;
- C. Data collection;
- D. Implementation of PBIS with fidelity;
- E. Consistent systems of feedback to students for appropriate behavior and corrections; and
- F. Consistency in discipline and disciplinary referrals.

The School shall also ensure that an adequate number of personnel in each building are trained annually in crisis management and de-escalation techniques, as well as the safe use of physical restraint and seclusion, and that their training is kept current. The minimum training requirements include:

- A. Proactive measures to prevent the use of seclusion or restraint;
- B. Crisis management;
- C. Documentation and communication about the restraint or seclusion with appropriate parties;
- D. The safe use of restraint and seclusion;
- E. Instruction and accommodation for age and body size diversity;
- F. Directions for monitoring signs of distress during and following physical control; and

G. Debriefing practices and procedures.

Training must include face-to-face training and allow for a simulated experience of administering and receiving physical restraint. The School shall maintain documentation that includes the following:

- A. The name and position of each person who completed training;
- B. The name, position, and credentials of each person who provided the training;
- C. When the training was completed; and
- D. What protocols, techniques, and materials were included in training.

Student personnel will be trained to perform the following functions:

- A. Identify conditions such as: where, under what conditions, with whom and why specific inappropriate behavior may occur; and
- B. Use preventative assessments that include at least the following:
  - i. A review of existing data;
  - ii. Input from parents, family members, and students; and
  - iii. Examination of previous and existing behavior intervention plans.

The School shall ensure that there is a support plan in place for substitute teachers if the individual needs assistance with PBIS or crisis management and de-escalation.

**Required Data and Reporting**

Staff must document each use of seclusion or restraint and report it to the building administration and the parent immediately. A written report of the incident must be created, given to the parent within twenty-four (24) hours of the incident, and placed in the student's file. This report is subject to the Family Educational Rights and Privacy Act.

The School shall report information concerning its use of seclusion and restraint annually to, and as requested by, the Ohio Department of Education.

The School shall give notice of this policy to parents annually, and shall post this policy on its website.

**Monitoring and Complaint Procedures**

The School shall review this policy on an annual basis.

A Parent may submit written complaints regarding an incident of seclusion or restraint to the School, and the Principal or his/her designee will investigate every complaint and make a reasonable effort to have an in-person follow-up meeting with the parent within 30 days of the complaint's filing.

Parents may choose to file a complaint with the Ohio Department of Education, Office of Integrated Student Supports, in accordance with the complaint procedures established by the Department.

*O.A.C. 3301-35-15; R.C. 3319.46.*

**SECTION 280**

**STUDENT ACTIVITIES**

## **281 School Sponsored Publications**

The School may sponsor student publications as a means for students to learn, under adult direction, the rights and responsibilities of the public expression in a free society.

Such publications also play a vital role in the School's program by:

1. presenting students and the School to the community;
2. serving as a public relations media;
3. developing skills in communicating via the mass media; and
4. developing acceptable methods for preserving the constitutional provision of free speech.

In sponsoring a student publication, the School is mindful of the fact that it could be available to any student attending the School, and must, therefore, generally be suitable for all students.

Issues on which opposing points of view have been promulgated by responsible opinion may be introduced in a School-sponsored publication provided equal opportunity is given to present each view and provided further that the material generally is acceptable to this community.

Advertising may be permitted in School newspapers, yearbooks, programs, etc. which are published by student organizations. Permission must be given by the Principal or his/her designee.

The School reserves the right to designate and prohibit the publications or productions that are not protected by the right of free expression because they violate the rights of others. Such unprotected materials are those which:

1. are grossly prejudicial to an ethnic, religious, racial, or other delineated group;
2. libel any specific person or persons;
3. seek to establish the supremacy of a particular religious denomination, sect, or point of view over any other religious denomination, sect or point of view; and
4. advocate the use or advertise the availability of any substance or material which may reasonably be believed to:
  - a. constitute a direct and substantial danger to the health of students;
  - b. contain obscenity or material otherwise deemed to be harmful to impressionable students who may receive them; and
  - c. incite violence, advocate the use of force or urge the violation of law or school regulations.

The School also prohibits publications and productions that:

1. fail to identify the student or organization responsible for distribution; and
2. solicit funds for non-school organizations or institutions when such solicitations have not been approved by the Board.

The decision as whether or not something is published or produced shall be made by the advisor with appeal to the Principal or his/her designee.

## **282 School-Sponsored Trips**

The School recognizes that School-sponsored trips, when used for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the School. Properly planned and executed School-sponsored trips should:

1. supplement and enrich classroom procedures by providing learning experiences in an environment outside the School;
2. arouse new interests among student;
3. help students relate School experiences to the reality of the world outside of School;
4. bring the resources of the community - natural, artistic, industrial, commercial, governmental, educational - within the student's learning experience; and
5. afford students the opportunity to study real things and real processes in their actual environment.

For purposes of this policy, a field trip or School-sponsored trip shall be defined as any planned journey by one or more students away from the School premises, which is under the supervision of a professional staff member and an integral part of a course of study.

Other School-sponsored trips shall be defined as any planned, student-travel activity that is approved as part of the School's total educational program.

The Principal or his/her designee shall approve all trips before taken.

Students may be charged fees for School-sponsored trips but no Student shall be denied participation for financial inability, nor shall nonparticipation be penalized academically.

Students on all School-sponsored trips remain under the supervision of the School and are subject to the School's administrative guidelines and policies.

The Board does not endorse, support, or assume liability in any way for any Staff member, volunteer, or Parent of the School who takes Students on trips not approved by the Principal or his/her designee. No Staff member may solicit students of the School for such trips within the facilities or on the School grounds of the School without permission from the Principal or his/her designee. Permission to solicit neither grants nor implies approval of the trip. Such approval must be obtained in accordance with the School's Policies.

The School sets forth these guidelines for the operation of both educational and other School-sponsored trips, including athletic trips, which shall ensure the safety and well-being of Students, proper planning and follow-up, supervision, and the expected behavior of the Students.

A copy of each Student's Emergency Medical Authorization Form should be in the possession of the staff member in charge on each trip.

Staff shall not change a planned itinerary while the trip is in progress, except where the health, safety, or welfare of the students in his/her charge is imperiled or where changes or substitutions beyond his/her control have frustrated the purpose of the trip.

In any instance in which the itinerary of a trip is altered, the professional staff member in charge shall notify the administrative superior immediately.

## Maritime Academy Governing Board Policies

The Principal has discretion in determining whether Students will be allowed to participate in a non-curricular School-sponsored trip. When a Student has been a disciplinary problem and it is reasonably determined that the Student would embarrass the School with disrespect or inappropriate behavior, the Student may be denied participation in the trip.

See Appendix 282-A School-Sponsored Trip Permission Form.



**283                    Equal Access for Non-School-Sponsored Student Clubs and Activities**

The Board will not permit the use of School facilities by non-School-sponsored student clubs and activities or School-sponsored, non-curriculum-related clubs and activities during instructional hours. During non-instructional time, to the extent allowed by any owner, landlord, or lease of the School or School property, Students may be allowed an opportunity to meet, regardless of the size of the group and regardless of the religious, political, philosophical, or other content of the activity. The Board will not permit the organization of a fraternity, sorority, or secret society. The Board reserves the right to deny all non-school sponsored clubs or activities during non-instructional times.

**284                    Student Employment**

The Board believes that attendance at School should occupy a Student's full attention and should take precedence over non-School-related employment.

If a Student must work while attending School, s/he should receive counseling and assistance in seeking appropriate job opportunities and in correlating work schedules with School studies and activities. The Principal or his/her designee should monitor any non-School-related employment in order to determine the effects on School performance.

The Principal or his/her designee shall prepare guidelines which will ensure that all Students employed in out-of-school jobs are monitored by staff regarding School attendance and achievement in order to determine the effects on School performance of the Student assuming out-of-school work commitments.

## **285                    Return to Play**

No Students may participate in any interscholastic athletic activity (contest, practice, try-out, etc.) unless they have provided a completed form stating that the Student and his/her parent, guardian, or person in care or charge of the Student has received (a) the concussion and head injury information sheet required by R.C. 3707.52 (see **Appendix 285-A**) and (b) the sudden cardiac arrest information sheet required by R.C. 3707.59 (see **Appendices 285-C and 285-D**). These forms are required to be provided for each athletic activity, each school year.

### Concussions and Head Injuries

Any student who exhibits signs, symptoms, or behaviors consistent with having sustain a concussion or head injury (such as loss of consciousness, headache, dizziness, confusion, or balance problems) while practicing for or during an interscholastic competition shall be immediately removed from the practice or contest by either (a) the individual who is serving as the Student's coach during that practice or competition or (b) an individual who is serving as a contest official or referee during the practice or competition.

Upon removing a Student from a practice or contest under this policy, the removing coach or referee shall not permit the Student to return to that practice or competition or to participate in any other practice or competition for which the coach or contest official is responsible **for the rest of that day**.

Following this mandatory removal for the rest of the day, the coach or contest officials shall not permit the Student to return to practice and/or competition until both of the following conditions are satisfied:

- 1) The Student's condition is assessed by a physician authorized under Chapter 4731 of the Ohio Revised Code to practice medicine and surgery or osteopathic medicine or surgery (M.D. or D.O.) or any other licensed health care provider that the Board authorizes under this policy to assess the Student who has been removed from practice or competition.
- 2) The Student receives written authorization from a physician or other licensed health care provider authorized by the Board under this policy confirming that it is safe for the student to return to practice or competition.

For OHSAA interscholastic athletic teams, Students must submit a complete OHSAA Medical Authorization to Return to Play Form to his/her coach in order to resume participation in any school athletic practice or competition. See **Appendix 285-B**. See also, the Ohio High School Athletic Association website (<http://ohsaa.org/medicine/AuthorizationToReenter.pdf>).

The Board may authorize a School employee or volunteer who is a licensed health care provider but who is not a physician to make the concussion assessment and grant authorization for a student to return to participation. Any individual authorized to assess a student under this policy shall act in accordance with one of the following as applicable to the provider's authority to practice in Ohio:

- In consultation with a physician;
- Pursuant to the referral of a physician;
- In collaboration with a physician; or
- Under the supervision of a physician.

### Sudden Cardiac Arrest

A Student may not participate in an athletic activity if the Student's biological parent, sibling, or child has previously experienced sudden cardiac arrest and the Student has not been evaluated and cleared for participation in an athletic activity by a physician authorized to practice medicine and surgery or osteopathic medicine and surgery under R.C. Chapter 4731.

Any Student who exhibits syncope or fainting at any time prior to, during, or following an athletic activity shall be removed from participation in an athletic activity by the individual serving as the Student's coach during that practice or competition. Following this mandatory removal, the coach shall not permit the Student to return to practice and/or competition until the Student is evaluated and cleared for return in writing by an authorized individual listed in R.C. 3313.5310(E)(3). Any coach who violates this requirement may be subject to discipline.

Prior to the start of each athletic season, the School may hold an informational meeting for students, parents, guardians, persons having care or charge of a student, physicians, cardiologists, athletic trainers, or other relevant individuals regarding the symptoms and warning signs of sudden cardiac arrest for all ages of students.

The School, Management Company, if any, Board members, and School or Management Company employees or volunteers, including coaches, are not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this policy, unless the act or omission constitutes willful or wanton misconduct. This policy does not eliminate, limit or reduce any other immunity or defense that the above individuals may be entitled to under Chapter 2744 of the Revised Code or any other provision of law.

#### Requirements for School Coaches

All individuals who serve as School coaches must possess a current Department of Education-issued Pupil Activity Program/Coaching Permit. When renewing this permit, all individuals must complete a concussion education course that has been approved by the Ohio Department of Health every three (3) years, or as otherwise required by the Ohio Department of Education to retain the permit. All individuals who serve as School coaches must complete, on an annual basis, the sudden cardiac arrest training course approved by the Ohio Department of Health under R.C. 3707.59(C).

#### Requirement for Contest Officials and Referees

The Board shall not permit an individual to serve as a contest official or referee in any interscholastic athletic competition unless the official/referee:

- Holds a pupil-activity program permit issued by the Department of Education; or
- Presents evidence that the individual has successfully completed an online training program to recognize symptoms of concussions and head injuries offered by the Department of Health, or a comparable training program authorized and required by an organization that regulates interscholastic conferences or events.

## Maritime Academy Governing Board Policies

*R.C. 3313.539; 3313.5310; 3314.142; 3314.145; 3707.511; 3707.52; OHSAA Concussion Regulations.* See Appendix 285-A Concussion Information Sheet for Interscholastic Athletics; Appendix 285-B OHSAA Medical Authorization to Return to Play; Appendix 285-C Sudden Cardiac Arrest Information Sheet; and Appendix 285-D Sudden Cardiac Arrest Parent/Athlete Signature Form.

## 286                    Athletics Policy

### Prospective Student-Athletes

Participation in extra-curricular athletics is a privilege and one that comes with great responsibility. Students are encouraged to try out, if required, to be part of a team.

Student-athletes will be held to a high standard. Though it is also understood that the athletic field is a different dynamic than that of the classroom, and some behaviors conducive to one are not necessarily acceptable in the other. At a minimum, student-athletes are nonetheless expected to comply with the following expectations:

1. To be considered for participation, a student must have completed a physical exam clearing the student for physical activity prior to the season intended to participate. A copy of the physical must be turned into the School prior to any involvement in the athletic program. There will be **no exceptions**.
2. Students and their parents must review all materials provided by the School relating to sudden cardiac arrest and concussions, and shall certify to the School that student and his or her parent understands the cardiac risks associated with participation in athletic activities. (See **Appendices 285-B, 285-C and 285-D**).
3. A student-athlete may be considered ineligible to participate if he or she has a failing grade in any of the core subjects of math, English, science, or social studies for the previous grading period, including courses taken through the College Credit Plus program. Student-athletes also must maintain a minimum average of 65%.
4. Student-athletes are expected to behave appropriately on and off the field. Disruptive behavior, rudeness to an adult, or disrespect to peers will not be tolerated at a game, practice, or in the classroom.
5. Being a part of a team is a time consuming and important commitment. It should be taken seriously even while having fun. Attendance to practice and games is not optional. It is expected that Student-athletes will be at as close to 100% of scheduled practice and games as possible. Teammates and coaches rely on everyone being present to conduct appropriate drills and practice. Repeat offenders of missed practices without a valid excuse are subject for dismissal from the team. Missing a practice due to detention or suspension (whether in or out of school) will be considered an unexcused absence.
6. Some uniform items will be given to the student-athlete to keep, some will be available to buy, and some will remain property of the School. It is the responsibility of the Student-athlete to maintain his or her uniform, including wearing a clean uniform to all competitions. The student-athlete will be responsible for the replacement of any uniform that is the property of the School if the uniform is lost, stolen, or damaged. Grades and credits may be withheld and a student-athlete may not participate in future sports upon refusal to cooperate with replacement of lost, stolen, or damaged uniforms.

**SECTION 290**

**MISCELLANEOUS STUDENT POLICIES**

**291                    Boy Scouts and Patriotic Youth Groups**

The School shall not discriminate against the Boy Scouts or the other patriotic youth groups designated in Title 36 of the United States Code in providing access to any designated open or limited public forum that are a part of or controlled by the School.

*20 U.S.C. 7905(b)(1)*



**292                    Materials Regarding Sexual Activity**

The School shall not develop or distribute materials or operate programs or courses of instruction that are designed to promote or encourage sexual activity, whether homosexual or heterosexual.

*20 U.S.C. 7906(3)*

**292.1            Obscene Materials**

The School shall not distribute or aid in the distribution of legally obscene materials.

*20 U.S.C. 7906(4)*

**292.2            Sex Education**

Any sex education or HIV prevention program provided by the School shall be appropriate for the age of the Students receiving such instruction and shall include instruction on the health benefits of abstinence.

*20 U.S.C. 7906(5)*

**292.3            Contraceptives**

The School shall not distribute contraceptives to its Students.

*20 U.S.C. 7906(6)*

**293                    Military Recruitment and Student Privacy**

The School will provide military recruiters with the same access to its secondary school students that the School provides to post-secondary educational institutions and employers. Upon the request of a military recruiter or institution of higher education, the School will provide access to the names, addresses, school-assigned email address (if any), and telephone listings of its secondary school students.

The School will give notice to the parents of each of its secondary school students, or eligible students who are 18 years or older, that the eligible student or his/her parent may request in writing that the School not release the Student's name, address, school-assigned email address (if any), and telephone listing to any military recruiter or institution of higher education without the prior written consent of a Parent, and the School shall comply with any such request.

*20 U.S.C. 7908(a); 2021 Solomon Amendment: Subtitle C- General Service Authorities and Correction of Military Records SEC. 521.*

## **294 Student Records and Release of Information**

### Parents and Eligible Students

For the purposes of this section, “eligible students” shall include any Student who is at least eighteen (18) years of age or an emancipated minor. Parents and eligible students shall receive annual notice of their rights under this section.

Parents and eligible students have the right to inspect and review the student’s education records within forty-five (45) days of the receipt of a request for access to such records. Such request must be in writing and the School shall make arrangements for access to such records and shall notify the parent or eligible student of the time and place where such records may be inspected.

Parents and eligible students have the right to request in writing an amendment of a record that they believe is inaccurate. In the event the School determines that the requested amendment will not be made, the Parent or eligible student shall be informed of the reasons for such decision in writing and the School shall advise the Parent or eligible student of their right to a hearing regarding the request for amendment.

### Release of Directory Information

The School may disclose directory information if it has given public notice to parents or students of the types of personally identifiable information that the School has designated as directory information.

Accordingly, the School shall choose one of the options as indicated:

- ☐ (1) The School may choose not to identify or define any directory information. If the School so chooses, then it will not issue any personally identifiable information and will not be able to provide directory information in response to records requests or inquiries made by third parties.
- ☒ (2) The School may choose to issue a directory information designation notice to its students or their parents in order to designate personally identifiable student information as directory information. If the School so chooses, the School shall not permit the release of education records or personally identifiable information, other than directory information, without the written consent of a parent.

The School shall provide annual notice to parents and eligible students regarding their rights under FERPA and also whether the School will make available, upon request, “directory information”. Directory information may (but does not have to) include a student’s name, address, telephone listing, date and place of birth, photograph, major field of study, participation in officially recognized activities and sports, dates of attendance, date of graduation, awards received, honor rolls, and scholarships. In its notice, the School shall clearly specify which of the above information it designates as directory information. Such information shall not be provided to any organization for profit-making purposes. Within ten (10) days of receiving notice of the intent to disclose directory information, a parent or eligible student may object to the release of such information without prior written consent, upon notification of which the School shall not release directory information without first obtaining such consent.

See **Appendix 294-A** Notice of Rights Under the Family Educational Rights and Privacy Act (“FERPA”) and Authorization to Release Student Directory Information.

## Maritime Academy Governing Board Policies

Exceptions to the released personally identifiable information are allowed in the following circumstances:

1. to school officials who have a legitimate educational interest.

A “School Official” is a person employed by the School in an administrative, supervisory, academic or support staff position; a member of the school law enforcement unit, which consists of The Toledo Police Department; a person with whom the School has contracted to perform a special task (i.e. Attorney, auditor, outside consultant); a person serving on the Board.

A School Official has a “legitimate educational interest” in an education record when the official needs to review the record in order to fulfill his or her responsibility on behalf of the School, such as when the official is performing a task that is specified in his or her job description or by a contract agreement or other official appointment; performing a task related to a student’s education; performing a task related to the discipline of a student; providing a service or benefit relating to the student or student’s family, such as health care, counseling, assisting with the college application procedure; or any other purpose that the Board deems necessary as related to a student’s education.

2. to officials of other schools or school systems in which the student seeks or intends to enroll, upon the condition that the student’s parents be notified of the transfer, receive a copy if desired and have an opportunity for a hearing to challenge the content of the record.
3. to appropriate parties in connection with an emergency if such knowledge is necessary to protect the health and safety of the student or other individuals. This exception is limited to the period of the emergency and generally does not allow for a blanket release of personally identifiable information from a student’s education record.
4. when images of students captured on security video tapes are maintained by the School’s law enforcement unit;
5. when information is obtained through a school official’s personal knowledge or observation and not from the student’s education record. For example, if a teacher overhears a student making threatening remarks to other students, that information is not protected and the teacher may disclose what he or she overheard to appropriate authorities.

The School shall provide the Ohio Department of Education (“ODE”) with personally identifiable student information under the following circumstances:

1. A testing scoring company has notified ODE that the student’s written response to a question on a state achievement test included threats or descriptions of harm to the student or another person and ODE needs the information to identify the student for the purpose of alerting the School of the potential for harm;
2. The School asks ODE to verify the accuracy of the student’s score on an achievement test; or
3. The student has passed all but one of the Ohio Graduation Tests (OGT) and ODE must determine whether the student satisfies the alternative requirements for a high school diploma.

If agreed to in and required by its Charter Contract with its Sponsor, the School may provide its Sponsor, as an authorized representative of the ODE, with access to student or other records if necessary and in connection with the audit and evaluation of federally supported education programs, or in connection with the enforcement of the federal legal requirements which relate to such programs. When collection of personally identifiable information is specifically authorized

## Maritime Academy Governing Board Policies

by federal law, no such data shall be disclosed to anyone other than authorized representative of the ODE, or as otherwise allowed by law. The Sponsor must, by law, destroy such personally identifiable information when no longer needed for the audit, evaluation, and enforcement of the federal legal requirements.

### Student Records Log

School officials maintaining records shall keep a log identifying all individuals (whether from the School or not), agencies or organizations, who request or obtain access to non-directory information within a student's education record. The log shall contain the reason why access was requested and shall be kept by the person responsible for maintaining the records. All student records must be reviewed on the School premises.

### Health and Safety Emergency Exception

The School may, taking into account the totality of the circumstances, disclose personally identifiable information from an education record to appropriate parties in connection with an emergency, if knowledge of the information is necessary to protect the health or safety of a student or others. The School must determine and record the articulable and significant threat, and it then may disclose information from education records to any person whose knowledge is necessary to protect these individuals.

*20 U.S.C. 1232g; R.C. 3319.321; R.C. 3301.0716*

See Appendix 294-A Notification of Rights Under the Family Educational Rights and Privacy Act ("FERPA") and Authorization to Release Student Directory Information and Appendix 294-B Request and Consent for Release of Records. See also Appendix 242.1-A Standards for the Ethical Use of Tests.



## **295 Student Surveys**

For purposes of this section, the term “eligible students” shall include any Student who is at least eighteen (18) years of age or an emancipated minor.

The School shall notify Parents and eligible students at least annually of the potential administration of any School-approved third party surveys, including the specific or approximate dates of any such survey, and upon a reasonable request parents and eligible students shall have the right to inspect any such survey or instructional materials used in connection with any survey.

No Student shall be required to submit to a survey, analysis, or evaluation (“protected survey”) that reveals any of the following without the prior written consent of a parent or eligible student:

3. political affiliations or beliefs of the Student or parent;
4. mental or psychological problems of the Student or the Student’s family;
5. sex behavior or attitudes;
6. illegal, anti-social, self-incriminating, or demeaning behavior;
7. critical appraisals of other individuals with whom respondents have close family relationships;
8. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
9. religious practices, affiliations, or beliefs of the Student or the Student’s parent; or
10. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.)

Parents shall be notified annually of this Policy, and within a reasonable period of time after any substantive change in the Policy.

The School shall provide notice to Parents and eligible students at least annually of the specific or approximate dates of the administration of any survey to collect, disclose, or use any student personal information for the purpose of marketing or selling the information. Parents and eligible students shall have the right to inspect the survey or other documents to be used in the collection of any such personal student information and shall have the right to opt their Student out of participation in such activity.

The preceding paragraph does not apply, however, to the collection, disclosure, or use of personal student information for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, Students or educational institutions, such as the following:

11. College or other postsecondary education recruitment, or military recruitment.
12. Book clubs, magazines, and programs providing access to low-cost literary products.
13. Curriculum and instructional materials used by elementary schools and secondary schools.
14. Tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments.

## Maritime Academy Governing Board Policies

15. The sale by students of products or services to raise funds for School-related or education-related activities.
16. Student recognition programs.

The School will take measures to protect the identification and privacy of Students who participate in a protected survey, which may include limiting access to the completed surveys and results, as allowed by law. The School shall not release or permit access to the directory information of any student to any person or group for use in a profit-making plan or activity.

*20 U.S.C. 1232h; R.C. 3319.321.*

See Appendix 295-A Notice to Parents Regarding the Protection of Pupil Rights Amendment.

**296                    Biennial Assessment**

The School will inform the Parents of its Students and the public about their ability to access the data, questions, and assessment instruments required or used in the biennial assessment of the state's students pursuant to the National Assessment of Educational Progress Act, as amended by the No Child Left Behind Act (if applicable).

The School will inform the Parents of its Students selected to participate in the biennial assessment that their children may be excused from participating in the assessment for any reason.

*20 U.S.C. 9622(c)(1)(A); 20 U.S.C. 9622(d)(2)*

**297 Homeless Children and Youth Policy**

**I. Definitions.**

A. Homeless Children and Youth. Homeless children and youth are defined as children and youth who lack a fixed, regular, and adequate nighttime residence. This term includes children and youth who are:

- sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (sometimes referred to as doubled-up);
- living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations;
- living in emergency or transitional shelters;
- abandoned in hospitals;
- awaiting foster care placement, until December 10, 2016;
- children and youth who have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
- children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
- migratory children who qualify as homeless because they are living in circumstances described above; or
- children displaced from their housing during naturally occurring disasters. When children and their families are displaced from their housing as a result of a natural disaster, there is often a period of instability in which various private organizations and local, State, and Federal agencies provide assistance. The School should determine such children's eligibility for McKinney-Vento services on a case-by-case basis. In making this determination, they should take into consideration the services that are available through these other sources.

When determining if the setting in which the family, child, or youth is lives is "substandard housing," the School may consider whether the setting is substandard due to a lack of fundamental utilities such as water, electricity, or heat; infestation with vermin, pests or mold; lack of basic functional parts of a home, such as a working kitchen, working toilet, or working shower; or, the presence of unreasonable dangers to adults, children, or persons with disabilities.

If a child or youth's living situation does not clearly fall into the situations described above, the School should consider the relative permanence of the living arrangements. Determinations of homelessness should be made on a case-by-case basis. Incarcerated children and youth and children and youth in foster care are not considered homeless.

B. Unaccompanied Youth. The term "unaccompanied youth" includes a homeless child or youth not in the physical custody of a parent or guardian. This would include youth living in runaway shelters, abandoned buildings, cars, on the streets, or in other inadequate housing, children and youth denied housing by their families, and school-age unwed mothers living in homes for unwed mothers who have no other housing available.

- C. School of Origin. The school of origin is the school that the child or youth attended when permanently housed, or, the school in which the child or youth was last enrolled, including a preschool. When a child or youth completes the final grade level served by the school of origin, the term “school of origin” will include the designated receiving school at the next grade level for all feeder schools.

## II. School Liaisons for Homeless Children.

The School liaison serves as one of the primary contacts between homeless families and Staff, shelter workers, and other service providers. The liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed academically.

School liaisons help to ensure that:

- Homeless children and youth are identified by school personnel and through outreach and coordination activities with other entities and agencies;
- Homeless students are enrolled in, and have a full and equal opportunity to succeed in, the School;
- Homeless children, youth, and their families have access to and receive educational services for which they are eligible, including services through Head Start programs, early intervention services under Part C of the Individuals with Disabilities Education Act (IDEA), and preschool programs administered by the School;
- Homeless children, youth, and their families receive referrals to health, mental health and substance abuse, dental, housing, and other appropriate services;
- Parents or guardians of homeless children and youth are informed of educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- Parents or guardians of homeless children and youth, and unaccompanied youth, are fully informed of all transportation services, including transportation to and from the school of origin, and are assisted in accessing transportation services;
- Enrollment disputes are mediated in accordance with the requirements of this policy and the McKinney-Vento Act;
- Public notice of the educational rights of homeless students is disseminated to locations frequented by parents or guardians of homeless children and youth, and unaccompanied youth, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to them;
- Immunizations or medical records are obtained;
- Staff is trained on the requirements regarding immediate enrollment and receive professional development and other support;
- Unaccompanied youth are enrolled in school, have opportunities to meet the same challenging State academic standards as are established for other children and youth, including through implementation of this Policy, and are informed of their status as independent students and that they may obtain assistance from the liaison to receive verification of that status for purposes of the Free Application for Federal Student Aid (FAFSA);
- Policies are reviewed to ensure that they comply with this Policy;

## Maritime Academy Governing Board Policies

- Affidavits of residence or other forms replace typical proof of residency without creating barriers or delaying enrollment;
- School-based immunization or other opportunities for on-site immunizations are arranged;
- Community-based or public agencies are contacted who may provide school uniforms;
- School records are accepted directly from families and youth;
- Previous schools are contacted for records and assistance with placement decisions;
- Short-term educational assessments place students immediately while awaiting complete academic records;
- Families and youth are communicated with in a language they understand or in an accessible format, as appropriate, of their right to attend either their school of origin or local school;
- Staff places homeless children and youth and identifies and serve disabilities in accordance with the IDEA;
- The School works with State Coordinators for the Department of Education concerning the provision of education and related support services to homeless children and youth, including collecting and providing reliable, valid, and comprehensive data;
- Understandable forms are written and accessible explaining decisions and rights to appeal; and
- Follow-up is timely concerning special education, language assistance, referrals, and services.

School liaisons may be able to identify preschool-aged homeless children by working closely with shelters and social service agencies in their area. In addition, the liaison should work with school personnel, who can inquire, at the time they are enrolling homeless children and youth in school, whether the family has preschool-aged children.

### III. School Placement and Enrollment.

The School shall make school placement determinations on the basis of the “best interest” of the homeless child or youth and shall:

- Continue the child’s or youth’s education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year if the child or youth becomes permanently housed during an academic year; or
- Enroll the child or youth in any public school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend.
- In determining a child’s or youth’s best interest, the School must presume that keeping a homeless child or youth in the “school of origin” is in the child’s or youth’s best interest, unless doing so is contrary to the request of the youth’s parent or guardian, or the unaccompanied youth. The School must consider student-centered factors related to the child’s or youth’s best interest, including factors related to the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the parent or guardian or the unaccompanied youth. The School should also consider the placement of siblings when determining the best interest of the child.

## Maritime Academy Governing Board Policies

- In the case of an unaccompanied youth, the School must ensure that the school homeless liaison assists in placement or enrollment decisions, gives priority to the views of the youth, and provides notice to the youth of the right to appeal the placement decision.
- If the School determines that it is not in the child's or youth's best interest to attend the school of origin or a school requested by the parent, guardian, or unaccompanied youth, the School must provide a written explanation of the reasons for its determination to the parent, guardian, or unaccompanied youth, together with information regarding the right to appeal the placement decision.

If a School is selected on the basis of a "best interest determination," it must immediately enroll the homeless child or youth, even if the child or youth is unable to produce the records normally required for enrollment (such as previous academic records, records of immunization and other required health records, proof of residency, birth certificates, or other documentation), has missed application or enrollment deadlines during any period of homelessness, or is subject to outstanding fees or fines, or excessive absences. The School must immediately contact the school last attended by the child or youth to obtain relevant academic or other records. If a child or youth needs to obtain immunizations or other required health records, the School must immediately refer the parent or guardian, or the unaccompanied youth, to the school homeless liaison, who must assist in obtaining the immunizations, screenings, or records. The records must be maintained so that they are available in a timely fashion when the child enters a new school or school district.

### IV. Placement Disputes between a School and a Parent.

If a dispute arises over eligibility, or school selection or enrollment, the School must immediately enroll the homeless student in the school in which enrollment is sought by the parent or guardian, pending resolution of the dispute, including all available appeals. Similar provisions apply to placement of unaccompanied youth.

The School must provide the parent, guardian, or unaccompanied youth with a written explanation of any decisions related to school selection or enrollment made by the school or the Ohio Department of Education and the appeal rights. The School must refer the unaccompanied youth, parent, or guardian to the school homeless liaison, who must expeditiously carry out the dispute resolution process.

The School should consider the following strategies for effectively resolving school enrollment disputes:

1. Disputes should be resolved at the administrative, if possible;
2. If other Schools are involved, representatives from all involved schools and the State should be present to resolve the dispute;
3. A State-level appeal process, involving the State coordinator, should be available for appeals and resolution of inter-district disputes;
4. The dispute resolution process should be as informal and accessible as possible, and allow for impartial and complete review;
5. Parents, guardians, and unaccompanied youth should be able to initiate the dispute resolution process directly at the school they choose, as well as with the homeless liaison's office;
6. Parents, guardians, and unaccompanied youth should be informed that they can provide written or oral documentation to support their position;

7. Students should be provided with all services for which they are eligible while disputes are resolved;
8. Written notice should be complete, as brief as possible, simply stated, and provided in a language the parent, guardian, or unaccompanied youth can understand. The notice should include:
  - a. Contact information for the School homeless liaison and State coordinator, with a brief description of their roles;
  - b. A simple, detachable form that parents, guardians, or unaccompanied youth can complete and turn in to the school to initiate the dispute process. (The School should copy the form and return the copy to the parent, guardian or youth for their records when it is submitted);
  - c. A step-by-step description of how to dispute the School's decision;
  - d. Notice of the right to enroll immediately in the school of choice pending resolution of the dispute;
  - e. Notice that "immediate enrollment" includes full participation in all school activities;
  - f. Notice of the right to appeal to the State if the School-level resolution is not satisfactory; and
  - g. Timelines for resolving School- and State-level appeals.

V. Prohibition against Segregation.

Homelessness is not sufficient reason to separate students from the mainstream school environment. Services provided with McKinney-Vento Act funds must not replace the regular academic program and must be designed to expand upon or improve services provided as part of the School's regular academic program.

- If a State receives funds under the McKinney-Vento program, every district in that State – whether or not it receives a McKinney-Vento subgrant from the State – is prohibited from segregating homeless students in separate schools or in separate programs within schools, based on the child's or youth's status as homeless.
- Schools may not provide services with McKinney-Vento funds on school grounds in settings that segregate homeless children and youth from other children and youth [except as necessary for short periods of time for health and safety emergencies or to provide temporary, special, and supplementary services to meet the unique needs of homeless children and youth].

VI. Transportation.

At the request of the parent or guardian (or, in the case of an unaccompanied youth, the liaison), transportation shall be provided to or from the "school of origin" in accordance with the following requirements:

- If the homeless child or youth continues to live in the area in which the school of origin is located, that School must provide or arrange for the child's or youth's transportation to or from the school of origin.
- If the homeless child or youth continues his or her education in the school of origin but begins living in an area served by another local educational agency (LEA), the LEA of origin and the LEA in which the homeless child or youth is living must agree upon a



method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the LEAs cannot agree upon a method, the responsibility and costs for transportation are to be shared equally.

VII. Comparable and Coordinated Services.

The School must provide services to each homeless child and youth that is comparable to services offered to other students in the School. Homeless children are also entitled to participate in the regular after-school program provided by the School, and the School must address barriers to their full participation in these programs. If no after-school programs are provided by the school or the programs provided do not meet the needs of homeless children, McKinney-Vento funds may be used for after-school services for homeless children, and for non-homeless children who are at risk of failing in, or dropping out of, school.

The School must provide comparable services to a homeless student who does not attend a Title I school. School must reserve funds for homeless children who do not attend participating Title I schools and may, for instance, provide support services to children in shelters and other locations where homeless children live. Services should be provided to assist homeless students to effectively take advantage of educational opportunities.

VIII. Privacy.

Information about a homeless child's or youth's living situation shall be treated as a student education record, and shall not be deemed to be directory information.

*42 U.S.C. 11431, et seq.; 20 U.S.C. 6363(c)(3); 42 U.S.C. 11432(g)(1)(J)(iii)*

See **Appendix 297-A** Identification of Homeless or Unaccompanied Youth Enrollment and Decision Appeal Form. See also Policy 294 Student Records and Release of Information.

## **297.1 Children in Foster Care**

Consistent with Title I requirements and Ohio Department of Education guidelines, the School shall collaborate with the Ohio Department of Education and state and local child welfare agencies to provide educational stability for children in foster care.

### Definitions

- A. Foster Care. Foster care means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. Foster care may include, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and preadoptive homes. Any child meeting this definition shall be deemed to be in foster care regardless of whether the foster care facility is licensed and/or the foster caregiver receives payments from a federal, state, local, or tribal agency for the care of the child.
- B. School of Origin. The school of origin is the school in which the child is enrolled at the time of placement in foster care. If the child's foster care placement changes, the school of origin is the school in which the child is enrolled at the time of the placement change.

### School Placement

A child in foster care shall remain enrolled in the school of origin unless it is determined that it is not in the child's best interest. Such determination will be made consistent with federal and state laws, rules, or guidance, and in collaboration with relevant child welfare agencies when practicable.

Any dispute regarding the best interest determination shall be decided according to federal and state laws, rules, or guidance. The relevant child welfare agency shall be the final decision maker in all best interest determinations. To the extent feasible and appropriate, the child shall remain in the school of origin until any dispute or determination is resolved.

### Immediate Enrollment

If it is determined that a child's enrollment in the School is in the best interest of the child, the School shall immediately enroll the child, even if the child is unable to produce records normally required for enrollment, has missed application or enrollment deadlines, or is subject to outstanding fees or fines, or excessive absences. The School shall immediately contact the school last attended by the child to obtain relevant academic or other records. See **Policy 241.2** Records Upon Enrollment.

### Transportation

Consistent with Title I requirements, the School shall coordinate with the state or local child welfare agencies and other relevant schools to develop and implement clear written procedures to ensure that transportation to the school determined to be in the child's best interest is provided, arranged, and funded. Such arrangements and funding agreements will consider federal and state laws, rules, and guidance for inter-district transportation. Children in foster care requiring transportation shall promptly receive transportation in a cost-effective manner. If there are additional costs incurred in providing transportation to maintain children in foster care in their schools of origin, the School will provide transportation to the school of origin if (a) the local child

## Maritime Academy Governing Board Policies

welfare agency agrees to reimburse the School for the cost of such transportation, (b) the School agrees to pay for the cost of such transportation, or (c) the School and the local child welfare agency agree to share the cost of such transportation.

### Point of Contact

The Principal or his/her designee shall be the point of contact to coordinate with the Ohio Department of Education and relevant child welfare agencies. The point of contact may be responsible for coordinating with the Ohio Department of Education and child welfare agencies on implementation of the Title I foster care provisions, developing best interest determination procedures and documentation requirements, facilitating the transfer of records, developing and coordinating local transportation procedures, and ensuring that children in foster care are immediately enrolled and regularly attending school.

### Privacy

Information about the living situation of a child in foster care shall be treated as a student education record and shall not be deemed to be directory information.

*20 USC 6311-6312; 45 CFR 1355.20(a)*

See Appendix 297.1-A Local Transportation Procedures. See also Policy 241.2 Records Upon Enrollment.

## **298 Grandparent Caretaker Policy**

A grandparent with a grandchild living with them may enroll the grandchild in the School pursuant to Policy 241 Admission and Lottery Standards. Such grandparent must provide either a Power of Attorney or a Caretaker Authorization Affidavit, as well as any additional documentation required by the local Clerk of Courts, if applicable.

### **A. Power of Attorney**

A Power of Attorney is created by a parent, guardian or custodian of any student of the school, and grants to the grandparent of the child with whom the child is residing any of the parent's, guardian's or custodian's rights or responsibilities regarding the care, physical custody, and control of the child, including the ability to enroll the child in school, to obtain from the school district educational and behavioral information about the child, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child. A Power of Attorney does not convey legal custody of the grandchild to the grandparent and does not affect the rights of a parent, guardian, or custodian in any future proceedings.

### **B. Caretaker Authorization Affidavit**

A Caretaker Authorization Affidavit may be executed by a grandparent who has made reasonable attempts to locate and contact both of the child's parents or the child's guardian or custodian, but has been unable to do so. The Caretaker Authorization Affidavit gives the grandparent the authority to exercise care, physical custody, and control of the child, including authority to enroll the child in school; discuss with the school the child's educational progress; consent to all school-related matters regarding the child; and consent to medical, psychological, or dental treatment for the child.

The execution of a Power of Attorney or Caretaker Authorization Affidavit for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or inter-scholastic athletic programs provided by the school or school district is prohibited. Such falsification is a first degree misdemeanor and voids the Power of Attorney or Caretaker Authorization Affidavit.

The Power of Attorney will terminate on the occurrence of any of the following events:

- Revocation in writing by the person who created it, and that person gives written notice of the revocation to the grandparent designated as the attorney in fact and to the juvenile court with which the power of attorney was filed;
- The child ceases to reside with the grandparent;
- By court order;
- The death of the child; or
- The death of the grandparent.

An executed Caretaker Authorization Affidavit shall terminate after the occurrence of any of the following:

- The child ceases to reside with the grandparent;
- The parent, guardian, or custodian of the child acts to negate, reverse, or otherwise disapprove an action or decision of the grandparent, and the grandparent either voluntarily

## Maritime Academy Governing Board Policies

returns the child to the physical custody of the parent, guardian, or custodian or fails to file a complaint to seek custody within fourteen (14) days after the delivery of written notice of negation, reversal, or other disapproval;

- By court order;
- Death of the child; or
- Death of the grandparent.

If a parent, guardian, or custodian gives either written notice of revocation of power of attorney or written notice of negation, reversal, or disapproval of an action or decision of the grandparent under a caretaker authorization, the grandparent may, within fourteen (14) days of the notice, file a complaint with the juvenile court to seek a determination of custody if the grandparent believes it is in the best interest of the child. The grandparent may retain custody of the child until the fourteen (14) day period for filing a complaint has expired, or if the grandparent files a complaint, until the court orders otherwise.

*R.C. 3109.52; 3109.53; R.C. 3109.59; 3109.60;3109.65; 3109.66; 3109.72; 3109.76*

See Appendix 298-A Caretaker Authorization Affidavit and Appendix 298-B Caretaker Power of Attorney.

**299                    Constitution Day and Veterans' Day**

On September 17, 1787, the U.S. Constitution was signed. Thus, on September 17 of each year, the School shall hold an educational program pertaining to the United States Constitution, which shall be designated as Constitution Day and Citizenship Day ("Constitution Day"). Unless September 17 falls on a weekend or holiday, the program must be held on that date; otherwise, the program will be held the week prior to or after September 17.

November 11 is Veterans' Day. Thus, on or about November 11 each year, the School shall hold an observance to convey the meaning and significance of Veterans' Day to all Students and Staff. The School shall devote at least one hour, or, if the School has class periods of less than one hour, at least one standard class period to specific activities that constitute observance of Veterans' Day. Specific activities that constitute the observance will be determined by the Board after consultation with School administrators.

*36 USC 106, R.C. 3313.602(D)*