

Maritime Academy Governing Board Policies

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

An Ohio Non-Profit Corporation  
and  
Ohio Community School

**PART 2 OF 2**

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

## Maritime Academy Governing Board Policies

### Welcome to The Maritime Academy of Toledo

Dear Staff Member:

It is my pleasure to welcome you to The Maritime Academy of Toledo. You have become a part of an organization that prides itself on its commitment to our students. With the commitment of hardworking staff like you, we are able to successfully serve our students and their families.

Our teachers and other employees are the School's most valuable assets. This staff handbook is a general guide that we hope will help you understand how you and the School can work together toward a shared success. We ask that you take the time to read it and familiarize yourself with our School philosophy, policies, and practices. If anything in this handbook is not clear to you, or if you need more information, please ask your immediate supervisor or me.

Thank you for joining our team. We hope your experience here will be challenging, fun, and rewarding.

Best wishes,

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The Maritime Academy of Toledo

By:

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Principal

**301                    About This Handbook**

In your best interest as an Employee of The Maritime Academy of Toledo, we have designed this handbook to answer questions regarding your job and make you aware of the School rules, procedures, policies, fringe benefits, and other matters of interest to you. The information expressed in this handbook, or any future additions or revisions does not constitute an agreement or any contractual rights in favor of employment for any specified period or definite duration. The employment relationship may be established pursuant to a contract and may be “at will” meaning that, with or without cause and without prior notice, the Employer and Employee may terminate the employment relationship, subject only to a written authorized agreement to the contrary. The only person authorized by The Maritime Academy of Toledo to enter into any agreement or assurances to the contrary of this handbook is the Principal of The Maritime Academy of Toledo and any such agreement or assurance must be in writing and signed by the Principal. The policies, procedures, benefits, and matters contained in this book are subject to revisions at any time by The Maritime Academy of Toledo Board.

You are expected to read this handbook thoroughly so that you understand all its contents. You are encouraged to bring questions regarding any policies or benefits to any member of management. You are required to sign a Handbook Acknowledgment form and return it. We encourage you to ask questions so that misunderstandings will be kept to a minimum and we can concentrate on our number one job – teamwork and service to our students.

We want you to enjoy your job and sincerely hope that you find your employment at The Maritime Academy of Toledo to be pleasant, personally challenging, rewarding, and profitable.

**302                      About Our School**

The Curriculum Focus: TMAT administrators and staff are committed to providing a high quality education for your cadet that is focused on academic rigor as well as character and leadership development. What is most exciting about TMAT is that it is the only nautical/marine-themed school of its kind in the entire State of Ohio and one of few such schools across the U.S. As a maritime-themed school, every traditional subject (reading, writing, math, social studies, science, music, art, and technology) strives to integrate nautical and maritime themes. Both you and your cadet will have many opportunities to grow in your knowledge of nautical and maritime themes and events and in your appreciation for the Great Lakes and its navigable waterways.

Career Tech Education: The Academy is the first and only Marine Career Tech Education program in Ohio and in one of the few in the U.S. Cadets in this program are able to choose careers in maritime-related industries on freighters, ferries, oil rigs and tug boats, as well as in ship yards and other intermodal industries using their welding, culinary, steward, and maritime skills. In addition, we offer a Culinary Career Tech program that begins in the 10<sup>th</sup> grade. Students have the opportunity to graduate with national industry standard credentials upon completion of the program. We are adding a third career tech program, Environmental Science. This program can lead to a career in at least 19 different fields of study. We have also built relationships with the local trades unions and have placed students in well paying careers.

21<sup>st</sup> Century After School Enrichment Program: TMAT is focused on cadets achieving proficiency in their core subjects so they are ready for college and the world of work. For this reason, cadets who have not passed prior year state assessments are encouraged to attend Monday through Thursday from 3-4 p.m. Students that need assistance with classwork and who are at risk for failing courses are also encouraged to attend. There are a variety of enrichment activities offered from 4-6.

**303                    Our 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.

**304                Our Values**

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

**305 Non-Discrimination Policy**

The School is an Equal Opportunity Employer. It is our policy to administer all of our employment practices, including those pertaining to recruitment, hiring, placement, transfer, promotion, or compensation (i.e. wage rate), layoff or termination, and selection for training in a nondiscriminatory manner without regard to age, color, gender/sex, national origin, disability, race, religion, military or veteran status, genetic information, sexual orientation, or on any other basis prohibited by federal, state, or local law. The School will also make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship.

Any employee with a question or concern about discrimination in the workplace is encouraged to bring their concern to the attention of the Superintendent or his or her designee. No reprisal will be permitted for raising concerns or making a report. Anyone determined to have engaged in discrimination or retaliation for a report of discrimination will be subject to disciplinary action, up to and including termination of employment.

*29 USC 631; 29 USC 206(d); 42 USC 2000ff et. seq.; 42 USC 2006(c); 42 USC 12101; R.C. 4112.02; 4111.17*





**306.1 Statement of Philosophy**

The School strives for a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in an atmosphere which promotes equal opportunities and prohibits discriminatory practices and harassment based upon age, color, disability, national origin, race, religion, or gender/sex, military or veteran status, genetic information, or sexual orientation. Harassment, whether verbal, physical, or environmental, is unacceptable and will not be tolerated.

### **306.2 Definition of Harassment**

For purposes of this policy, harassment is defined as unwelcome or unwanted conduct of an offensive nature (whether verbal, visual, or physical) when: 1) submission to or rejection of this conduct by an individual is used or threatened to be used as a factor in decisions affecting hiring, evaluation, promotion, or other aspects of employment; or 2) this conduct has the purpose or effect of unreasonably interfering with an individual's employment performance or creating an intimidating, abusive, hostile, or offensive work environment.

Examples of harassment include, but are not limited to: unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; repeated jokes which include offensive references to age, disability, national origin, race, religion, or gender; unwelcome flirtations, advances, or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess, or sexual deficiencies; leering; whistling; touching; pinching; assault; coerced sexual acts; suggestive, insulting, threatening, or obscene comments or gestures; dissemination or display in the workplace of objects, written materials, or pictures which include offensive references to age, color, gender/sex, national origin, disability, race, religion, military or veteran status, genetic information, sexual orientation; asking questions about sexual conduct; or racial or ethnic slurs or epithets.

Harassment is unacceptable in the workplace itself and in other work-related settings, such as business trips, meetings, or business-related social events.

Harassment does not include consensual, romantic adult relationships, including sexual or dating relationships, willingly undertaken by all involved parties that are between: (a) staff and Parents of a student enrolled in the School; or (b) two (2) or more staff members; or (c) staff and any member of the Board of Directors. However, any party involved in such a relationship is expected to maintain the same level of respect and professionalism required of all other staff and Board of Directors' members. Notwithstanding this provision, unwelcome and/or unwanted conduct of an offensive nature within a consensual, romantic adult relationship may amount to harassment and will be treated in the same manner as all other allegations against employees or the Board of Directors. The School discourages consensual, romantic adult relationships like those outlined above. Such relationships may be inherently unequal and contain an imbalance in power or give rise to the perception of favoritism or bias. These perceptions undermine the spirit of trust and respect important in a positive School and workplace. In the event that a romantic, dating, intimate, and/or sexual relationship commences or ends, it is the duty of all staff and Board members to report the relationship to the Principal or Superintendent. If the Principal or Superintendent is involved in such a relationship, the relationship must be disclosed to the Board of Directors or its designee. By reporting such relationships, the School aims to ensure an environment free of sexual harassment. In consensual relationships staff or Board members may be asked to sign an acknowledgement at the time of reporting the consensual relationship by one of the parties at any time.

*29 USC 631; 29 USC 206(d); 42 USC 2006(c); 42 USC 12101; R.C. 4112.02. See also Policy 264.1 Anti-Harassment, Intimidation, and Bullying.*

**306.3            Individuals Covered Under the Policy**

This policy protects all employees. The School will not tolerate, condone, or allow harassment, whether engaged in by fellow employees or other non-employees who conduct business with the School. The School encourages reporting of all incidents of harassment, regardless of who the offender may be.

### **306.4 Reporting a Complaint**

The School encourages all individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome. The School does, however, recognize that, in some instances, power and status disparities between the alleged harasser and the individual may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a harassment complaint. A complaint may be filed by one experiencing or witnessing harassment.

#### **Notification of Appropriate Staff**

Individuals who believe they have been subjected to harassment should report the incident to the Principal or his/her designee. When appropriate, the Principal or his/her designee will immediately consult with the Board. If the Principal or his/her designee is allegedly involved in the incident, then the individual should report the incident directly to the President of the Board.

The School encourages prompt reporting of complaints so that rapid response and appropriate action may be taken, but no limited time frame applies. Late reporting of complaints will not in and of itself preclude the School from taking remedial action.

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 the complaint involves sexual harassment as defined by Title IX, the School's Title IX Grievance Procedure shall be followed.

#### **Protection Against Retaliation**

The School will not in any way retaliate or permit retaliation against any individual who makes a good faith report of harassment or who assists or cooperates in an investigation thereof. Retaliation is a serious violation of this harassment policy and should be reported immediately. Any person found to have violated this policy by retaliating against another individual for making a report of harassment or for assisting or cooperating in the investigation thereof will be subject to the same disciplinary action provided for harassment offenders.

#### **Investigating the Complaint**

Any allegation of harassment brought to the attention of the School will be thoroughly and promptly investigated. Confidentiality will be maintained where possible throughout the investigatory process to the extent practical and appropriate under the circumstances.

#### **Resolving the Complaint**

Upon completing the investigation of a harassment complaint, the School will communicate its findings and intended actions. If the investigation finds that harassment occurred, the harasser will be subject to appropriate disciplinary procedures, as listed below. If the investigation determines that no harassment has occurred, this finding will be communicated as appropriate.

#### **Sanctions**

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Individuals found to have engaged in misconduct constituting harassment will be disciplined, up to and including discharge. Appropriate actions will be determined by the School. For example, action may include reprimanding the offender, documenting the occurrence in the personnel file, referral to counseling, withholding of a promotion, demotion, reassignment, temporary suspension without pay, or termination of employment.

Although the School's ability to discipline a non-employee harasser (e.g., customer, supplier) is limited by the degree of control, if any, that the School has over the alleged harasser, any individual who has been subjected to harassment by such an individual should still file a complaint and be assured that the School will take those actions it deems appropriate to end any harassment.

**307                    Immigration Law Compliance Policy**

The Maritime Academy of Toledo is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

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

*8 USC 1324a.*

See Appendix 307-A Form I-9, Employment Eligibility Verification.

**SECTION 310**

**YOUR EMPLOYMENT AT THE MARITIME ACADEMY OF TOLEDO**



**311                    Employment Status**

Some The Maritime Academy of Toledo employees may have an “employment-at-will” relationship. This means that the employee is free to leave The Maritime Academy of Toledo at any time, with or without reason, and that the School has the same right to end its employment relationship with that employee. No one at The Maritime Academy of Toledo has authority to make a contrary agreement with you except the Principal or his/her designee. Any such contrary agreement must be in a formal written document and signed by the Principal or his/her designee.

**312                    Employment Contracts**

Employment contracts or letters are issued to some full time employees. Supplemental contracts may be issued to employees who perform duties in addition to their regularly contracted services. Hourly rated employees are not issued annual contracts and they are considered to be casual employees and are paid on a time sheet basis. All contracts are subject to final approval by the Board and may either be “At Will” contracts or otherwise as stated therein.

**313                    Salaries**

The annual salary of each employee will be paid on a regular interval consistent with the individual's employment contract.

Notwithstanding the foregoing or unless a more frequent payday schedule is established by the employer, on or before the first day of each month, the employer shall pay each employee the wages he/she earned during the first half of the preceding month ending with the fifteenth day, and on or before the fifteenth day of each month, shall pay such employee the wages he/she earned during the last half of the preceding calendar month. When payday falls on a weekend or a holiday, the payday will be the last regular workday before the weekend or holiday.

*Fair Labor Standards Act; R.C. 4113.15(A).*

**SECTION 315**

**EMPLOYEE QUALIFICATIONS**

**316 Teachers**

Applicants must submit the following documents:

- A. Application for employment;
- B. Evidence of a Bachelor's Degree or higher;
- C. Certified transcripts from an accredited college or university attended by the teacher;
- D. Copy of the diploma issued by an accredited college or university;
- E. A current Teaching Certificate issued by the Ohio Department of Education;
- F. References and recommendations for employment, and;
- G. An application for the completion of a Bureau of Criminal Identification and Investigation and FBI criminal background check as required by Ohio law. New employees are employed on a conditional basis pending receipt of a satisfactory background check.

**Every employee must undergo a criminal background check upon application.** Certain convictions as outlined in Ohio Law, referred to as “absolute bar offenses,” will prohibit an individual from being employed in a public school. A listing of the disqualifying offenses may be obtained from the School's office. Teachers must comply with all licensure requirements established by the Ohio Department of Education.

In certain circumstances, an individual who would otherwise be disqualified may be hired if that individual's offense has been rehabilitated. Rehabilitation is limited to certain offenses. A complete list of offenses that cannot be rehabilitated (“absolute bar offenses”) may be obtained from the School's office. To be rehabilitated, (1) the offense cannot involve a victim who was a minor or a victim who was or is a student; (2) for a felony, at least five years have passed since the individual was fully discharged from imprisonment, probation, or parole or the individual has had his/her conviction sealed or expunged; (3) for a misdemeanor, at least five years have elapsed since the date of conviction or the individual has had the record of his/her conviction sealed or expunged; (4) the individual is not a “repeat offender” (has not been convicted of any of the offenses listed in R.C. 3319.39(B)(1) or R.C. 3319.31 two or more times in separate criminal actions); (5) upon request by the school, the individual has provided written confirmation of rehabilitation efforts, the results of those efforts, and whether the terms of his/her probation, parole, or deferred adjudication have been completed; and (6) as viewed by a reasonable person, the employment of the individual will not jeopardize the health, safety, or welfare of people served by the school. The School has discretion to decide whether the offense has been rehabilitated. Written confirmation required in item (5), above, will not be conclusive evidence that the applicant has met the other rehabilitation requirements required by the Board and by law.

Teachers may be required to possess such other experience, training or special skills as may be required by the Board or the School administration for any specific position.

*R.C. 3319.291; R.C. 3319.30; 3319.39; R.C. 3313.71; OAC 3301-20-01.*

### **316.1 Ohio Resident Educator Program Policy**

The School shall institute the Ohio Resident Educator Program which is a four-year, entry-level program for classroom teachers.

The School shall comply with the requirements of the Program as established by the Ohio Department of Education ([education.ohio.gov](http://education.ohio.gov); “Resident Educator Program”), which shall include the following components:

- (1) mentoring by teachers who hold a five-year professional license or two year provisional license that has been renewed two or more times under Ohio law;
- (2) counseling to ensure that program participants receive needed professional development; and
- (3) measures of appropriate progression through the Program.

Every Employee who holds a Resident Educator License or an Alternative Resident Educator License issued under Ohio law must participate in the Teacher Resident Educator Program. Successful completion of the Program is required to qualify for a Professional Educator License issued under Ohio law.

*R.C. 3319.223; O.A.C. 3301-24-04; 3301-24-18; 3301-24-19; 3301-24-20; 3301-24-21.*

See Appendix 316.1-A Ohio Resident Educator Rules.

### **316.2 Non-Bachelor's Substitute Teachers for 2021-2022, 2022-2023, and 2023-2024 School Years Only**

In consideration of the special circumstances caused by the Covid-19 pandemic, the School may employ an individual who does not hold a post-secondary degree as a substitute teacher ("Non-Bachelor's Substitute Teacher") for the 2021-2022, 2022-2023, and 2023-2024 school years only, provided that the individual holds a non-renewable temporary substitute teaching license ("Non-Bachelor's Substitute Teaching License") and satisfies all other applicable requirements and procedures with respect to that individual's qualifications to be a substitute teacher in the School.

A holder of a Non-Bachelor's Substitute Teaching License shall be permitted to teach in an assigned class of any subject area and grade level in the School for the remainder of the 2021-2022, 2022-2023, and 2023-2024 school years.

#### **Every employee, including a Non-Bachelor's Substitute Teacher, must have a current criminal background check, which must be on file with the Ohio Department of Education.**

Certain convictions as outlined in Ohio Law, referred to as "absolute bar offenses," will prohibit an individual from being employed in a public school. A listing of the disqualifying offenses may be obtained from the School's office. In certain circumstances, an individual who would otherwise be disqualified may be hired if that individual's offense has been rehabilitated. Rehabilitation is limited to certain offenses. To be rehabilitated, (1) the offense cannot involve a victim who was a minor or a victim who was or is a student; (2) for a felony, at least five years have passed since the individual was fully discharged from imprisonment, probation, or parole or the individual has had his/her conviction sealed or expunged; (3) for a misdemeanor, at least five years have elapsed since the date of conviction or the individual has had the record of his/her conviction sealed or expunged; (4) the individual is not a "repeat offender" (i.e., has not been convicted of any of the offenses listed in R.C. 3319.39(B)(1) or R.C. 3319.31 two or more times in separate criminal actions); (5) upon request by the School, the individual has provided written confirmation of rehabilitation efforts, the results of those efforts, and whether the terms of his/her probation, parole, or deferred adjudication have been completed; and (6) as viewed by a reasonable person, the employment of the individual will not jeopardize the health, safety, or welfare of people served by the school. The School has discretion to decide whether the offense has been rehabilitated. Written confirmation required in item (5), above, will not be conclusive evidence that the applicant has met the other rehabilitation requirements required by the School and by law.

Non-Bachelor's Substitute Teachers may be required to possess such other experience, training or special skills as may be required by the Board or the School administration for any specific position.

*134 Ohio General Assembly, Senate Bill 1, Section 4; 134 Ohio General Assembly, House Bill 583, Section 7; R.C. 3319.31; OAC 3301-20-01.*

### **317 Educational Assistants/Paraprofessionals**

An educational assistant/paraprofessional is a nonteaching employee who directly assists a teacher by performing duties for which a teaching license is not required.

Educational assistants/paraprofessional applicants must submit the following documents:

- A. Application for employment;
- B. Written references and recommendations for employment;
- C. Copy of a valid educational aide permit or paraprofessional license issued by the State Board of Education\*;
- D. An application for the completion of a Bureau of Criminal Identification and Investigation and FBI criminal background check as required by Ohio law. New employees are employed on a conditional basis pending receipt of a satisfactory background check.

**Every employee must undergo a criminal background check upon application.** Certain convictions as outlined in Ohio Law, referred to as “absolute bar offenses,” will prohibit an individual from being employed in a public school. A listing of the disqualifying offenses may be obtained from the School’s office. Educational assistants must comply with all licensure/permit requirements established by the Ohio Department of Education.

In certain circumstances, an individual who would otherwise be disqualified may be hired if that individual’s offense has been rehabilitated. Rehabilitation is limited to certain offenses. A complete list of offenses that cannot be rehabilitated (“absolute bar offenses”) may be obtained from the School’s office. To be rehabilitated, (1) the offense cannot involve a victim who was a minor or a victim who was or is a student; (2) for a felony, at least five years have passed since the individual was fully discharged from imprisonment, probation, or parole or the individual has had his/her conviction sealed or expunged; (3) for a misdemeanor, at least five years have elapsed since the date of conviction or the individual has had the record of his/her conviction sealed or expunged; (4) the individual is not a “repeat offender” (has not been convicted of any of the offenses listed in R.C. 3319.39(B)(1) or R.C. 3319.31 two or more times in separate criminal actions); (5) upon request by the school, the individual has provided written confirmation of rehabilitation efforts, the results of those efforts, and whether the terms of his/her probation, parole, or deferred adjudication have been completed; and (6) as viewed by a reasonable person, the employment of the individual will not jeopardize the health, safety, or welfare of people served by the school. The School has discretion to decide whether the offense has been rehabilitated. Written confirmation required in item (5), above, will not be conclusive evidence that the applicant has met the other rehabilitation requirements required by the Board and by law.

An educational assistant/paraprofessional must be under the supervision and direction of an assigned teacher at all times in the performance of their duties, although such duties need not necessarily be performed in the physical presence of the teacher except as otherwise stated in this policy. An educational assistant/paraprofessional working for the School in a Title I supported program may be assigned to duties consistent with any of the following:

- providing one-on-one tutoring for eligible students during times when the teacher would not otherwise be instructing the student;
- assisting with classroom management, such as organizing instructional and other materials;
- providing assistance in a computer laboratory;



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- providing support in a library or media center;
- conducting parental involvement activities;
- acting as a translator;
- providing instructional services to students, if working under the direct supervision of a teacher.

An educational assistant/paraprofessional will be considered to be working under the “direct supervision” of a teacher if:

- the teacher plans the instructional activities that the educational assistant/paraprofessional carries out;
- the teacher evaluates the achievement of the students with whom the educational assistant/paraprofessional is working; and
- the educational assistant/paraprofessional works in close and frequent physical proximity to the teacher.

Nonteaching employees whose functions are solely secretarial and clerical and who do not perform duties as educational assistants are not required to hold a license even though they work under the direction of a teacher.

Educational assistants/paraprofessionals are prohibited from divulging personal information concerning any pupil in the school which was obtained or obtainable while employed, except to the teacher to whom assigned, or the Principal in such teacher’s absence, or when required to testify in a legal proceeding.

\* Provided that the Superintendent believes an employee is qualified to obtain a valid permit or license and the employee has filed an application for such a permit or license with the State Board of Education, the School may allow an employee who does not currently hold a permit or license to work as a substitute for an educational assistant where that educational assistant is absent from work due to illness or emergency, or any other leave of absence. The employee must cease working as a substitute educational aide if he or she is denied a permit or license, or after sixty (60) days, whichever is earlier.

*R.C. 3319.088; R.C. 3319.291; R.C. 3319.39; R.C. 3319.391; O.A.C. 3301-20-01; 3301-24-05; 3301-25.*

### **318 Other Employees**

Prior to employment, applicants for positions that do not require a license issued by the State Board of Education or that involve the operation of vehicles of public transportation must submit the following documents:

- A. An application for employment;
- B. Written references and recommendations for employment;
- C. Copies of any specific license or certificate as may be required by law or by the Board or the School administration for the position sought;
- D. An application for the completion of a Bureau of Criminal Identification and Investigation and FBI criminal background check as required by Ohio law. New employees are employed on a conditional basis pending receipt of a satisfactory background check.

Every employee must undergo a criminal background check at the time of application and then by the fifth of September every five years thereafter, unless the employee is a bus driver, in which case every six years thereafter. After the initial background checks, the employee will need to provide only an updated FBI criminal background check if the school previously requested a BCI criminal background check, and if he/she presents proof of having been an Ohio resident for the five-year period preceding September 5 of the applicable year. Certain convictions as outlined in Ohio Law will prohibit an individual from being employed in a public school. A listing of the disqualifying offenses may be obtained from the School's office.

In certain circumstances, an individual who would otherwise be disqualified may be hired or retained as an employee if that individual's offense has been rehabilitated. Rehabilitation is limited to certain offenses; a complete list of offenses that cannot be rehabilitated may be obtained from the School's office.

For an employee, other than a school bus or van driver, to be rehabilitated, (1) the offense cannot involve a victim who was a minor or a victim who was or is a student; (2) for a felony, at least five years have passed since the individual was fully discharged from imprisonment, probation, or parole or the individual has had his/her conviction sealed or expunged; (3) for a misdemeanor, at least five years have elapsed since the date of conviction or the individual has had the record of his/her conviction sealed or expunged; (4) the individual is not a "repeat offender" (has not been convicted of any of the offenses listed in R.C. 3319.39(B)(1) or R.C. 3319.31 two or more times in separate criminal actions); (5) upon request by the school, the individual has provided written confirmation of rehabilitation efforts, the results of those efforts, and whether the terms of his/her probation, parole, or deferred adjudication have been completed; and (6) as viewed by a reasonable person, the employment of the individual will not jeopardize the health, safety, or welfare of people served by the school. The School has discretion to decide whether the offense has been rehabilitated. Written confirmation required in item (5), above, will not be conclusive evidence that the applicant has met the other rehabilitation requirements required by the Board and by law.

To qualify as rehabilitated, bus or van drivers must establish that (1) the offense did not involve a victim who was a minor or a victim who was or is a student, (2) the individual has provided written confirmation of rehabilitation efforts and the results of those efforts; (3) as viewed by a reasonable person, the employment of the individual will not jeopardize the health, safety, or welfare of people served by the school. The School has discretion to decide whether the offense has been rehabilitated. If a person who is employed by a school or school transportation provider is arrested, summoned, or indicted for an alleged violation of a non-rehabilitative offense, the Principal or his/her designee or chief executive officer of the transportation provider shall suspend that person

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from all duties that require the care, custody, or control of a child during the pendency of the criminal action against the person.

Employees must possess both physical and mental health to be able to fulfill the duties of employment or the continuation of employment. Employees may be required to possess such other experience, training or special skills as may be required by the Board or the School administration for the position.

*R.C. 3319.291; R.C. 3319.39; R.C. 3327.10(J); R.C. 3319.391; O.A.C. 3301-20-03; O.A.C. 3301-83-23 (Bus Drivers).*

### **319                    Substitute Teachers**

Substitute teachers must possess a valid substitute teacher license issued by the Ohio Department of Education. If an applicant can provide evidence that application for a substitute teacher license has been made, that person may be employed conditionally for up to sixty (60) days pending receipt of the license. If a license is not obtained within that period of time, employment will be terminated.

All substitute teachers must complete an application for the completion of a Bureau of Criminal Identification and Investigation and FBI criminal background check as required by Ohio law. New employees are employed on a conditional basis pending receipt of a satisfactory background check.

Certain convictions as outlined in Ohio Law, referred to as “absolute bar offenses,” will prohibit an individual from working in a public school. A listing of the disqualifying offenses may be obtained from the School's office.

In certain circumstances, an individual who would otherwise be disqualified may be hired if that individual's offense has been rehabilitated. Rehabilitation is limited to certain offenses. A complete list of offenses that cannot be rehabilitated (“absolute bar offenses”) may be obtained from the School's office. To be rehabilitated, (1) the offense cannot involve a victim who was a minor or a student; (2) for a felony, at least five years must have passed since the individual was fully discharged from imprisonment, probation, or parole or the individual has had his/her conviction sealed or expunged; (3) for a misdemeanor, at least five years must have passed since the date of conviction or the individual has had the record of his/her conviction sealed or expunged; (4) the individual must not be a “repeat offender” (has not been convicted of any of the offenses listed in R.C. 3319.39(B)(1) or R.C. 3319.31 two or more times in separate criminal actions); (5) the individual must provide written confirmation of rehabilitation efforts, the results of those efforts, and whether the terms of his/her probation, parole, or deferred adjudication have been completed; and (6) as viewed by a reasonable person, the employment of the individual will not jeopardize the health, safety, or welfare of people served by the school. The School has discretion to decide whether the offense has been rehabilitated. Written confirmation required in item (5) above will not be conclusive evidence that the applicant has met the other rehabilitation requirements required by the Board and by law.

*R.C. 3319.226; R.C. 3319.291; R.C. 3319.36; R.C. 3319.101; 1964 O.A.G. No. 903; OAC 3301-20-01.*

**SECTION 320**

**EMPLOYMENT STATUS/PERSONNEL FILES**

**321 Full-Time Employee**

A full-time employee is one who is expected to regularly work an average of no less than forty (40) hours per week.

All full-time employees must complete an application for the completion of a Bureau of Criminal Identification and Investigation and FBI criminal background check as required by Ohio law. New employees are employed on a conditional basis pending receipt of a satisfactory background check. Every employee must undergo a criminal background check. Certain convictions as outlined in Ohio Law will prohibit an individual from being employed in a public school. A listing of the disqualifying offenses may be obtained from the School 's office.

*Fair Labor Standards Act (29 USC 201 et. seq.); R.C. 3319.086.*

**322                    Part-Time Employee**

A part-time employee is one who is expected to work less than forty (40) hours per week on average.

All part-time employees must complete an application for the completion of a Bureau of Criminal Identification and Investigation and FBI criminal background check as required by Ohio law. New employees are employed on a conditional basis pending receipt of a satisfactory background check. Every employee must undergo a criminal background check. Certain convictions as outlined in Ohio Law will prohibit an individual from being employed in a public school. A listing of the disqualifying offenses may be obtained from the School's office.

*Fair Labor Standards Act (29 USC 201 et. seq.); R.C. 3319.086.*

**323                      Outside Activities**

During School hours, employees are prohibited from engaging in personal activities and associations that may be in conflict with the interests of The Maritime Academy of Toledo. Examples of such activities include, but are not limited to private enterprises with competitors or vendors, campaigning for a candidate for political or elected office, and soliciting fees for private tutoring of students. Staff members who have any question regarding a potential conflict of interest should confer with the Principal or his/her designee.



### **324                    Personal Information and Access to Personnel Files**

The School is a state agency for purposes of Chapter 1347 of the Ohio Revised Code and maintains all personal information and personnel files in accordance with all relevant laws and rules.

“Personal Information” is any information describing anything about a person who is an employee of the School or about actions done to or by, or about personal characteristics of such an employee, if such Personal Information can be retrieved from a system by a name or other identifying number or symbol assigned to such employee. A “system” includes any record management scheme where any collection or group of records containing personal information, including personnel files, are searchable by name or other similar identifiers.

The School maintains personnel files on each of its employees. These files may contain the following Personal Information: application for employment; resume; copies of personal references; job evaluations; professional credentials or certification; copies of performance appraisals; disciplinary warning notices; letters of recommendation; criminal background reports; and any notices, and writings or reports related to the Employee.

To ensure that personnel files are accurate, relevant, timely, and complete at all times, it is the responsibility of each Employee to promptly notify the School of any changes in legal name, telephone number, home address, marital status, addition or deletion of dependents, change in beneficiaries, change in Federal or State tax deductions, scholastic achievements, the individuals to notify in case of an emergency, or any other Personal Information. Personal Information shall be updated annually by the Principal or his/her designee.

Personal Information shall be used and maintained in a manner consistent with state and federal laws and regulations. Personnel files are the property of the School, and access to the information they contain is restricted. This is subject only to applicable requirements of public records law. The School’s Governing Authority has a legitimate reason to review information in a file and is allowed to do so. The School will not place or use Personal Information in an “interconnected” or “combined system” as defined by Ohio law, unless the School has given notice of its intent to do so and the interconnected or combined system will contribute to the necessary and efficient implementation of the School’s programs. The Principal is directly responsible for the Personal Information systems and may adopt further procedural rules consistent with this policy. No Personal Information may be accessed without first completing a written request to the Principal. Unauthorized access or disclosure to Personal Information may result in employee discipline, though employees shall not be subject to discipline for notifying appropriate parties of the known or suspected unauthorized disclosure of Personal Information by another employee. The Principal may grant blanket access to all or part of the Personal Information systems for employees whose jobs require such access. All Employees granted access to any Personal Information in the files shall be informed of the substantive provisions of the policy and accompanying appendices. In an effort to protect Personal Information in the system from unauthorized modification, destruction, use or disclosure, the Principal shall keep a log of authorized parties and specific access granted, and all Personal Information systems shall be password protected.

The School shall maintain and use only Personal Information that is necessary and relevant to the functions that the School is required to perform and shall eliminate Personal Information when it is no longer necessary and relevant to those functions.

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If an Employee is asked to supply Personal Information to be maintained in the School's personnel files, the School shall inform the Employee whether that information is legally required, or whether the Employee may refuse to provide the Personal Information.

The Principal shall establish disciplinary measures for the unauthorized use of information contained in the system, which shall include, but not be limited to the following: reprimand; suspension or administrative leave with or without pay; termination; or referral to authorities for prosecution.

Employees who wish to review their own files should contact the Principal or his/her designee. With reasonable advance notice, Employees may review their own personnel files by appointment or may receive copies of Personal Information upon reasonable request. However, medical, psychiatric, or psychological information may not be disclosed if a physician, psychiatrist, or psychologist determines that the disclosure of the information is likely to have an adverse effect on the person.

Employees who dispute the accuracy, relevance, timeliness, or completeness of Personal Information may request that the School make a reasonable investigation into the information. Investigations will be conducted within a reasonable time as required by Ohio law, and results of any investigation will be provided to the complaining employee. In the event that an employee disagrees with the outcome of the investigation, the employee may be permitted to submit a statement, not to exceed one hundred (100) words, summarizing the dispute. Statements summarizing disputed information shall be included in any subsequent transfer, report or dissemination if the disputed information.

Affected employees will be notified in the event of a breach of security in any computerized data system that creates a material risk of identity theft or other fraudulent activity.

Procedural rules regarding the operation of the Personal Information System are in Appendix 324-A Personal Information Procedure. Each Employee, by signing the acknowledgement in this Section 300s, is informed of the rules contained in Appendix 324-A Personal Information Procedure.

*Ohio Privacy Act; R.C. Chapter 1347; R.C. 149.43.*

See Appendix 324-A Personal Information Procedure and Appendix 324-B Personal Information Notice.



**325.1 Public Records**

Public records are recorded accounts or information that are kept by the School for the conduct of School business and instruction. Any person may inspect the public records of the School during regular business hours of the office in which such records are kept, provided adequate advance notice is given to the custodian of the records. An Employee or representative will be present during the inspection of the records. A person may purchase copies of the School's public records upon payment of a fee, which is equal to the exact cost of making the copies. The School's public records may not be removed from the School except by an Employee who is authorized to do so.

*R.C. 149.43.*

See also Policy 147 Public Records Policy and Policy 147.1 Records Retention and Disposal Policy.

**325.2 Student Records**

Student records will be collected and maintained in the School office. These records shall be available only to Students, their Parents, legal guardians or School officials who have a legitimate educational or instructional purpose for the records. Both Parents shall have equal access to their child's records unless a court has ordered otherwise. Upon receiving notification that a student has transferred and when the new school requests student records, the School will forward the records to the new School. Copies may be made of a student's record if requested by a Parent or court appointed guardian. The Principal or his/her designee shall maintain a log of persons who have accessed School records and the specific record(s) which were inspected or copied. An Employee shall be present during the inspection of the records.

*R.C. 3319.321.*

See also Policy 294 Student Records and Release of Information and Appendix 294-B Request and Consent for Release of Records.

**325.3 Confidentiality of Records**

If The Maritime Academy of Toledo receives information as confidential from a public agency, the School will maintain the confidentiality of such information unless directed to do otherwise by a court of law, to the fullest extent permitted by law.

*R.C. 149.43.*

See also Policy 147 Public Records Policy; Policy 147.1 Records Retention and Disposal Policy; Policy 294 Student Records and Release of Information; and Appendix 294-B Request and Consent for Release of Records.

**326 Board Staff Communications**

Staff members report directly to the Principal or his/her designee regarding administrative and instructional issues. The Principal or his/her designee reports to the Board of on all issues, which affect the operation of the School, and on any other concerns regarding the School.

All communications from The Maritime Academy of Toledo staff members to the Board should be submitted through the Principal or his/her designee. This procedure shall not deny any employee the right to appeal to the Board through established procedures. The appropriate forms to initiate a communication or an employee grievance may be obtained from the Principal or his/her designee.

**SECTION 330**

**ETHICAL BEHAVIOR**



**330.1 General Ethical Behavior**

The Maritime Academy of Toledo requires exemplary moral and ethical standards of conduct by its employees. The Board also requires that all employees maintain high standards in interpersonal relationships with other employees, parents, visitors and with students.

A public school teacher may not (1) authorize or use his/her position as a teacher to secure authorization of a contract of the Board in which he/she or their family members or business associates have an interest (2) profit from a School contract he/she authorize unless it was awarded to the lowest and best bidder after a competitive bid, or, (3) have an interest in the profits or benefits of a School contract other than his/her own employment contract.

*R.C. 102.04(C), R.C. 2921.42, R.C. 2921.43.*

See also Policy 114 Ethics and Conflicts Policy.

**331 Use of Alcohol and Drugs**

Persons subject to the terms of this policy and the testing procedures are as follows:

- A. All employees.
- B. All employees of temporary employee agencies or employee leasing services assigned to perform work for or on behalf of the School or its subsidiaries.
- C. All employees of contractors providing services at School locations.
- D. All applicants for employment who may work at the School.

The policy of the School prohibits possession of, use of, or being under the influence of alcohol or illegal drugs or other controlled substances during working hours, on School property at School programs, or School activities, in any facility maintained by the School, or in School-supplied vehicles.

Employees working at the School are a valuable resource and for that reason, their health and safety is of paramount concern. The School will not tolerate any alcohol or drug use which imperils the health and well-being of employees or threatens its business. The use of illegal drugs and abuse of other controlled substances, on or off duty, is inconsistent with the law-abiding behavior expected of all employees. Employees who use illegal drugs or abuse other controlled substances, on or off duty, pose a risk to their own health and safety, as well as that of other employees. Such employees also tend to be less productive, less reliable, and prone to greater absenteeism resulting in the potential for increased cost, delay, and risk in the School's business. Employees have the right to work in a drug-free environment. In addition, alcohol and drug abuse inflicts a toll on the nation's productive resources and the health and well-being of American workers. The School is, therefore, committed to maintaining a safe workplace, free from the influence of alcohol and drugs.

*U.S. Const. Amend. IV, XIV; Oh. Const. Art. 1 §14; R.C. 2925.03; R.C. 3319.20; R.C. 4123.34*

**331.1 Use of Over-the-Counter Medicine and Authorized Use of Prescription Medicine**

Employees using over-the-counter medication or medication prescribed by a physician are expected to discuss potential side effects with a physician. An employee using any drug which may alter his or her physical or mental ability must report this treatment to the Principal or his/her designee, who will determine whether the School should temporarily change the employee's job assignment during the period of treatment.

### **331.2 Prohibitions**

The School's policy prohibits the following:

- A. Use, possession, manufacture, distribution, dispensation, or sale of illegal drugs, alcoholic beverages, and tobacco products on School premises or School business, in School supplied vehicles, or during working hours.
- B. Unauthorized use or possession, or any manufacture, distribution, dispensation, or sale of a controlled substance on School premises or any facility maintained by the School, in School supplied vehicles, or during working hours.
- C. Use, manufacture, distribution, dispensation, possession, storage, or any sale of alcohol or illegal drugs or controlled substances on School premises or School business, in School supplied vehicles, or during working hours.
- D. Being under the influence of alcohol or a controlled substance or illegal drugs on School premises or School business or at any facility maintained by the School, in School supplied vehicles, or during working hours.
- E. Use of alcohol off School premises that adversely affects the individual's work performance, his own or others' safety at work, or which the School regards as adversely affecting its reputation in the community or with its customers.
- F. Possession, use, manufacture, distribution, dispensation, or sale of illegal drugs off School premises.
- G. Switching or adulterating any urine, blood, or other sample submitted for testing.
- H. Refusing consent to testing or to submit a urine, blood, or other sample for testing when requested by management.
- I. Refusing to submit to a search when requested by management in accordance with this policy.
- J. Failure to adhere to the requirements of any alcohol or drug treatment or counseling program in which the employee is enrolled.
- K. Arrest or conviction under any criminal drug law.
- L. Arrest or conviction under any law prohibiting driving under the influence of alcohol or other drugs.
- M. Failure to notify the School of any arrest or conviction under any criminal drug law or laws prohibiting driving under the influence of alcohol or other drug, within five (5) days of the arrest or conviction.
- N. Refusing to sign a statement agreeing to abide by the School's Alcohol and Drug Abuse Policy.
- O. Refusing consent or refusing to submit to pre-employment testing.

*R.C. 2925; R.C. 2925.03.*

**331.3 Searches**

- A. Whenever the School has reason to believe that an employee's work performance or on-the-job behavior may be affected by alcohol or drugs, the School may search the employee, the employee's locker, desk, or other School property under the control of the employee, as well as the employee's personal effects or automobile on School property or any facility maintained by the School.
- B. Whenever the School has reason to believe that an employee possesses alcohol or drugs on School premises, the School may search the employee, the employee's locker, desk, or other School property under the control of the employee, as well as the employee's personal effects or automobile on School property or any facility maintained by the School.

*U.S. Const. Amend. IV, XIV; Oh. Const. Art. 1 §14.*

**331.4 Consequences for Violation of this Policy**

- A. Violation of the School's Alcohol and Drug Abuse Policy may result in severe disciplinary action, including discharge, at the School's sole discretion.
- B. In addition to any disciplinary action, the School may, in its sole discretion, refer the employee to a treatment and counseling program for alcohol or drug abuse. The Principal shall determine whether an employee it has referred for alcohol or drug treatment and counseling should be temporarily reassigned to another position.
- C. The School will promptly terminate any employee who tests positive for alcohol or drugs while undergoing treatment and counseling for alcohol or drug abuse, regardless of whether such treatment and counseling is voluntary or required by the School.
- D. The results of, or an employee's refusal to submit to, any chemical/drug/alcohol test described herein may, in addition to any disciplinary action imposed, disqualify an employee from receiving compensation and benefits under Ohio's workers' compensation laws.

**331.5            Testing**

- A. Whenever the School has reason to believe that an employee's work performance or on the job behavior may be affected in any way by alcohol or drugs, the School may require the employee to submit a urine, blood, or other sample for testing.
- B. The School will afford employees subject to testing the opportunity, prior to testing, to list all prescription and non-prescription drugs they have used in the last thirty (30) days and to explain the circumstances surrounding the use of such drugs.
- C. Employees subject to testing must sign an approved form consenting to the testing and consenting to the release of the test results to the School. Refusal to sign the consent form will be considered refusal to be tested and will result in discharge and may result in denial of workers' compensation benefits.
- D. The School, prior to taking any action, will give all applicants and employees who test positive the opportunity to explain in writing the test results.

### **331.6           Types of Testing**

All employees are subject to the following types of testing:

#### **A. Post-Accident Testing**

1. Alcohol and drug testing is required of employees if impairment may have either contributed to an accident or cannot be completely discounted as a contributing factor to an accident. Because alcohol does not remain in the body for extended periods of time, testing will be done as soon as possible.
2. Reportable accidents that may require testing include:
  - a. Death of any person;
  - b. Bodily harm to any person resulting in one or more of the following:
    - (i) Loss of consciousness
    - (ii) Necessity to carry person from the scene
    - (iii) Necessity for medical treatment (beyond first-aid)
    - (iv) Disability which prevents the discharge of normal duties or pursuit of normal activities beyond the day of the accident;
  - c. Explosion or fire;
  - d. Serious damage to the property of the School or others; or
  - e. Any other event that is serious in the judgment of the School.
3. If any employee who is subject to post-accident testing is conscious and refuses to be tested, that person will immediately be placed on suspension, pending further disciplinary action.

#### **B. Other Testing**

1. Alcohol and drug testing of employees will be conducted when there is reason to believe the employee is impaired from the use of alcohol or drugs. A decision to test will be based on specific physical, behavioral, or performance indicators of possible alcohol or drug use. For example, repeated errors on the job, regulatory or School rule violations, or unusual time and attendance patterns could provide evidence to test an employee based on reasonable cause.
2. Any employee who is tested will immediately be placed on suspension pending test results.
3. The School may conduct pre-employment testing.

*R.C. 4123.651.*



**331.7 Medical Examinations**

Employees may be required to undergo medical examinations from time to time during their employment if, in the judgment of the School, such examinations are shown to be job-related and consistent with business necessity. A School-designated health care provider may perform examinations or the employee may be required to provide results of a medical examination from the employee's health care provider. The School will maintain employee medical records in a file separate from other personnel records, and access to such medical information will be restricted as allowed or required by law.

*R.C. 149.43; R.C. 1347; R.C. 4123.651.*



**333 Weapons in the Workplace**

Objective

To create a safe working environment for our employees and students by prohibiting the possession and/or use of weapons in the workplace. The School will not tolerate any weapon possession or use.

Scope

Persons subject to the terms of this policy are as follows:

- A. All employees of the School.
- B. All substitute teachers working in the School.
- C. All employees of contractors providing services on behalf of the School.
- D. All applicants for employment with the School.
- E. All other persons, including visitors, vendors, subcontractors, students, etc.
- F. All persons, except
  1. law enforcement personnel or state or federal officers, agents, or employees who are authorized to carry deadly weapons or dangerous ordnance and are acting within the official duties of such position;
  2. security officers employed by the Governing Authority who are on duty and authorized to convey or possess deadly weapons or dangerous ordnance in(to) the school safety zone; or
  3. any other person with written authorization from the Governing Authority to convey or possess deadly weapons or dangerous ordnance in(to) the school safety zone.

Policy

This policy prohibits possession and/or use of prohibited weapons at any time on School grounds, a School vehicle, or at a School sponsored event. However, an individual with a valid concealed-carry license or temporary emergency license who is either a driver or passenger in a motor vehicle and who is immediately in the process of dropping off or picking up a child in a school safety zone may convey, attempt to convey, or possess an unloaded handgun in(to) the school safety zone if one of the following applies:

1. the handgun is in a closed case, bag, box or other container that is in plain sight and that has a lid, cover or closing mechanism with a zipper, snap or buckle, which lid, cover or closing mechanism must be opened for a person to gain access to the handgun;
2. the handgun is located in a compartment that can be reached only by leaving the vehicle; or
3. the handgun is located in plain sight and secured in a holder for the purpose.

Prohibited weapons include any form of weapon and any form of explosive restricted under local, state or federal law or regulation. This includes all firearms, illegal knives or other weapons restricted by the law. The terms “deadly weapon” and “dangerous ordnance” are defined in R.C. 2923.11. If you have a question about whether an item is covered by this policy, please contact the Superintendent or his/her designee. You will be held responsible for making sure beforehand that any potentially covered item you possess is not prohibited by this policy.

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### Prohibitions

The School's policy prohibits:

- A. Use or possession of weapons on School grounds, on a School vehicle, or at a School sponsored event.
- B. Use or possession of weapons while performing any task on the School's behalf.
- C. Refusing to sign a statement agreeing to abide by the Weapons in the Workplace Policy.
- D. Failing or refusing to report a known violation of this policy.
- E. Failing or refusing to cooperate with any investigation relating to a possible violation of this policy.

### Consequences For Violation of This Policy

- A. Violation of the Weapons Policy may result in severe disciplinary action, including discharge, at the School's sole discretion.
- B. Using or possessing a weapon on School grounds in violation of this policy will be considered an act of criminal trespass and will be grounds for immediate removal from School grounds and may result in criminal prosecution.

If you become aware of anyone violating this policy, take no action and immediately report it to your supervisor or to the Superintendent or his/her designee.

*Gun Free School Zones Act, 18 USC 922(q); Gun Free Schools Act, 20 USC 7151; R.C. 2923.11; R.C. 2923.122; R.C. 2923.126; R.C. 2923.16.*

See Appendix 333-A Notice Regarding Weapons in the Workplace. See also Policy 421 Dangerous Weapons.



### 335            **Mandatory Reporting of Misconduct by Licensed Employees**

The Board recognizes its responsibility to effectively address employee misconduct.

#### Definitions

“Licensed professional staff member” refers to employees who hold an educator's license or certification with the Ohio Department of Education (“ODE”) (including the Treasurer and Business Manager), educational assistants (aides with a permit and paraprofessionals with a license from ODE), employee holding a one (1) year conditional teaching permit in the area of intervention specialist or seeking an alternative educator license, and those employees who do not hold a valid educator's license but who are employed by the Board under a Pupil Activity Program Permit. For purposes of this policy, licensed professional staff member will be referred to as “employee.”

“Conduct unbecoming the teaching profession” is defined to mean:

- A. crimes or misconduct involving minors;
- B. crimes or misconduct involving school children;
- C. crimes or misconduct involving academic fraud;
- D. crimes or misconduct involving the school community;
- E. making, or causing to be made, any false or misleading statement or concealing a material fact in obtaining the issuance or renewal of any educator licensing documents;
- F. the violation of the terms and conditions of a consent agreement with the State Board of Education;
- G. a plea of guilty to or a finding of guilt or conviction upon any offense enumerated under R.C. 3319.39.

The complete rule adopted by the State Board of Education is in **Appendix 335-A**.

#### Reporting Professional Misconduct

The Principal is responsible for reporting teacher misconduct to ODE. If Principal is the employee who must be reported, the Board president or chairperson must make the report. The Principal must report misconduct by an employee of an operator who is working in the School.

#### Reports

Reports must be filed about School and/or operators employees working in the School under the following circumstances:

- A. When the Principal, Board president, or chairperson knows that an employee has a **guilty plea or conviction**, or has been found to be eligible for intervention in lieu of conviction, or for a pre-trial diversion program concerning a disqualifying or other criminal offense applicable to teachers;
- B. When the Principal or Board president or chairperson has initiated **termination or nonrenewal** proceedings against, has terminated, or has not renewed the contract of the employee because the Principal or Board president or chairperson has reasonably determined that the employee has committed an act that is unbecoming to the teaching profession or a disqualifying criminal offense or other criminal offense applicable to **teachers**.

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- C. When the employee has **resigned under threat** of termination or nonrenewal for an act that is unbecoming to the teaching profession or a disqualifying or other criminal offense applicable to teachers.
- D. When the employee has **resigned because of or in the course of an investigation** by the Board regarding whether the employee has committed an act that is unbecoming to the teaching profession or a disqualifying or other criminal offense applicable to teachers.

The report must be made to ODE and must include the name and social security number of the employee in question together with a factual statement. The making of a report does not itself create any legal presumption that the described misconduct or any related crime has in fact occurred. The form for reporting misconduct is in **Appendix 335-B**.

A report must be kept in the employee's personnel file. The State Board of Education may proceed to conduct an investigation to determine whether further action is warranted. If, after an investigation, ODE determines that the results of that investigation do not warrant initiating action, the Board must move such reports from the employee's personnel file to a separate public file.

*R.C. 3314.40-3314.403, R.C. 3314.99.*

### **336 Social Networking Websites/Teacher Blogging**

Social media tools offer the opportunity for users to gather in online communities of shared interest and to create, share, or consume content. Social media tools include social networking sites such as Facebook, video and photo sharing websites such as YouTube and Flickr, micro-blogging sites such as Twitter, weblogs, corporate blogs, personal blogs, conversation pages, discussion boards, message boards, news forums, wikis, virtual worlds, or any other websites that allow users to publish user generated content.

Once something is posted online, it can become viral and may never be completely eliminated—even if deleted. Public online forums and websites are accessed by many people, including our parents and students and may reflect upon the posting Staff Member and/or the School.

Staff Members are advised to exercise discretion and good judgment and act in a positive and ethical manner in using social media tools when they are officially responsible for representing the School and when they are discussing the School, aspects of their job or employment with the School, School-related issues or other issues impacting the School, or any matters impacting the perception of the School.

Staff Members are personally responsible for the content they publish via social media tools and should have no expectation of privacy in such forums. Staff Members should monitor the content of their “pages” and remove anything that violates the terms of this policy or any other School policy immediately.

Staff Members may not represent themselves as spokespersons for the School without express authorization. It should be clear that all information shared via social media tools solely expresses the thoughts of the writer/poster/etc. and has not been communicated on behalf of the School. Staff members must abide by all copyright and intellectual property laws in the event that they elect to use School or company logos.

Nonpublic proprietary information relating to the School is property of the School, and the unauthorized disclosure or distribution of such information is forbidden unless otherwise authorized by law.

Staff Members may not post images or photos of students and should use special caution before posting pictures of others.

Staff Members may not post or display comments about coworkers or supervisors that are vulgar, obscene, threatening, intimidating, harassing, or a violation of workplace policies against discrimination, harassment, or hostility on account of age, race, religion, sex, ethnicity, nationality, disability, or other protected class, status, or characteristic. Staff Members may be held responsible for the use of ethnic slurs, personal insults, obscenity, or for engaging in any of the above conduct that would not be acceptable in the workplace itself. Staff Members also are prohibited from posting data, links, documents, photographs or inappropriate information on any website that may result in a disruption of classroom activity.

Fraternization between Staff Members and Students via the Internet, personal e-mail accounts, social networking websites, and other modes of virtual technology is also prohibited.

Access to social networking websites during working hours or via school computers/devices is prohibited.



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When used properly, blogging can be a great way for teachers to learn new ideas for the classroom. However, Staff Members must use discretion and good judgment when posting comments on a blog.

Staff Members who blog in their capacity as staff members of the School may be asked by the Principal to put a disclaimer on their blog stating that the opinions expressed are their own and they do not necessarily reflect the beliefs or ideologies of the School. The Principal may make such a request if he or she reasonably believes that information in the blog could appear to a reasonable person to be written on behalf of or with the authorization of the School.

Under certain circumstances, the Principal must report acts unbecoming to the teacher profession to the Ohio Department of Education. The definition of “conduct unbecoming to the teaching profession” includes but not be limited to the following: “using technology to intentionally host or post improper or inappropriate material that could reasonably be accessed by the school community” and “using technology to promote inappropriate communications with students.”

Accordingly, a licensed Staff Member’s use of technology may result in their conduct being reported to the Ohio Department of Education, which may result in the ODE taking disciplinary action against a Staff Member.

*See Licensure Code of Professional Conduct for Ohio Educators, Adopted March 11, 2008, State Board of Education.*

**SECTION 340**

**EMPLOYEE AND STUDENT CARE AND SAFETY**

**341 Staff Student Relationship** Professional and support Staff members, because of their proximity to Students, are frequently confronted with situations which, if handled incorrectly, could result in liability to the School and personal liability to the Staff member. Compliance with the following guidelines will minimize that possibility.

- Each Staff member shall maintain a standard of care for supervision, control, and protection of Students commensurate with assigned duties and responsibilities.
- A Staff member should not voluntarily assume responsibility for duties s/he cannot reasonably perform. Such assumption carries the same responsibilities as assigned duties.
- A Staff member shall provide proper instruction in the safety matters presented in assigned curriculum guides.
- Each Staff member shall immediately report to the Principal or his/her designee any accident or safety hazard s/he detects.
- A Staff member shall not send students on any personal errands.
- A Staff member shall not associate with Students at any time in a manner which gives the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as tobacco, alcohol, or drugs.
- This provision should not be construed as precluding a professional or Staff member from associating with Students in private for legitimate or proper reasons.
- If a Student comes to a Staff member to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, the Staff member may help the student make contact with certified or licensed individuals in the community or the facility who specialize in the assessment, diagnosis, and treatment of the Student's problem. Under no circumstances should a Staff member attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the Student's problem or behavior.
- A Staff member shall not transport Students in a private vehicle without the approval of the **Superintendent** or his/her designee. Such approval shall be granted for emergencies only or pursuant to a Parental consent and waiver, and shall not operate to subject the School to liability for accidents or injuries.
- A Student shall not be required to perform work or services that may be detrimental to his/her health.
- Possession of weapons or any device designed to inflict bodily harm by any Staff member, Student or visitor while on School grounds, on a School vehicle, or at a School sponsored event is prohibited and shall result in suspension or dismissal of the Student or the employee.

Pursuant to the Ohio laws, each Staff member shall report immediately to the Principal or his/her designee any sign of suspected child abuse or neglect. The Principal or his/her designee shall follow required procedures for reporting suspected child abuse or neglect to proper legal authorities.

See also Policy 229 Child Abuse and Neglect, Policy 347 Student Transportation by Private Vehicle, Policy 342 General Safety Rules, Policy 343 Reporting Accidents, and Policy 426 Accidents to Students Policy.

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**342                    General Safety Rules**

The School has written and posted fire, tornado and emergency safety procedures. These procedures are reviewed with Students and Staff members.

Students shall not be left unattended. If a teacher leaves the classroom another Staff person must be left in charge.

In class projects, experiments and similar activities, which could have some measure of potential danger, must first be approved by the Principal or his/her designee. If approved, the Staff member must provide intensive close supervision of the project.

Chemicals and chemical products shall be secured and placed in locked storage units. (See School procedure manual for further specific actions to be taken regarding hazardous chemicals).

See Section 400s for more health, safety, and welfare policies.

**343                    Reporting Accidents**

All accidents on School property, on School transportation, and at School-sponsored events must be reported to the Principal or his/her designee immediately. An accident report form must be completed as soon as possible following the accident and submitted to the Principal or his/her designee. These reports will be compiled, summarized, and submitted to the Board quarterly. See **Appendix 426-A** for accident/incident reporting form.

*R.C. 4123.5; R.C. 4123.511.*

See Policy 426 Accidents to Students and Appendix 426-A Form for Reporting Accidents to Students. See also Policy 405 Emergency Medical Procedures, Policy 409 Control of Blood-Borne Pathogens, Policy 410 Head Lice; Policy 412 Infectious Disease Policy; and Policy 454 Hand-Washing Procedures.

**344 Injuries**

The main office shall have a first aid kit for treating minor injuries. Minor scratches and cuts may be attended to in the classroom or School office. When a student is more seriously injured, the Principal or his/her designee shall contact the parent or guardian. If medical treatment is indicated, appropriate steps shall be taken. The child's health form should be taken from the file and be available for examination. Teachers shall not administer medication to students.

Once the squad is called, they have the authority to determine if transport to a hospital is needed. The School shall notify the parent or guardian regarding the accident and the action taken.

**345                    Special Medical Needs**

Parents are responsible for notifying School officials if a student has any special medical needs. The Maritime Academy of Toledo personnel will not address any needs requiring the services of a trained professional. In most instances, the special medical needs will result in limited participation in certain activities and classes rather than any treatment being administered. In all instances, the Principal or his/her designee will make the final decision as to how the School will handle any special needs requests.



**346 Student Abuse and Neglect**

Any Staff member acting in his or her official capacity who knows or reasonably suspects that a child has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates child abuse or neglect shall immediately report the suspicions to the proper authorities as required by law and the Principal or his/her designee. The Staff member shall make such a report to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. The Principal or his/her designee shall then investigate and, if necessary, contact the appropriate authorities on his or her own behalf. The identity of a reporting Staff member shall be kept confidential to the fullest extent permitted by law. The identity of the Student and any information pertaining to the report shall not be shared with any unauthorized person.

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

See also Policy 229 Child Abuse and Neglect.

### **347 Student Transportation by Private Vehicle**

The Board authorizes the incidental transportation by private vehicle of School students. Any such transportation must be approved in advance and in writing by the **Superintendent** or his/her designee. The parent of the participating student will be given, upon request, the name of the driver, the owner of the vehicle, and the description of the vehicle.

No person shall be approved for the transportation of students in a private vehicle who is not an employee of this Board or its contracted Management Company, if any; an approved volunteer; the parent of a student enrolled in the School; and the holder of a currently-valid license to operate a motor vehicle in the State of Ohio ("Approved Driver").

No person shall be permitted to transport students if s/he does not possess and maintain automobile liability and personal injury insurance.

The responsibility of professional staff members for the discipline and control of students will extend to their transportation of students in a private vehicle. Drivers who are not professional staff members are requested to report student misconduct to the Principal.

#### Guidelines for Transportation of a Student in a Private Vehicle

These guidelines are to be followed whenever an Approved Driver will be transporting students by a private vehicle whether it is in his/her vehicle or another private vehicle:

1. Determine that transportation by School vehicle is unavailable or not feasible.
2. Obtain written consent from each student's parent using **Appendix 347-A-Parental Consent for Transportation by Private Vehicle Permission Form**. No student shall be allowed to ride in the vehicle without his/her parent's written consent.
3. Submit **Appendix 347-B- Request for Transportation by Private Vehicle** to the Principal for his/her approval prior to the trip. Attach the parent consent forms to the request form.
4. The Approved Driver shall keep a copy of each student's Emergency Medical Authorization Form.
5. The Approved Driver shall provide the School office with a list of names of the students who will be riding in the vehicle.

This guideline does not apply if an Employee regularly uses his/her vehicle or another private vehicle to transport School students. In such case, the School employee must comply with the Ohio Pupil Transportation Operation and Safety Rules of OAC 3301-83 et seq.



**348.1            Emergency School Evacuation**

The School has a written and posted set of procedures which will insure the health and safety of students and employees in the event an evacuation of the School is necessary.

See also Policy 424 Emergency Preparedness and Evacuation; Appendix 424-A Safety and Health Plan Emergency Drills; Policy 428 Bomb Threat Policy; Appendix 428-A Bomb Threat Form and Checklist; and Policy 447 School Emergency Management Plan.

**348.2            Emergency School Closing/Inclement Weather**

The School will follow the decisions of the Principal or his/her designee regarding weather related closings. Information about the School closing will be posted on the School telephone system. The Principal or his/her designee may close the School, delay the opening of the School, or dismiss School early when such actions are required for the protection of the health and safety of students and employees. In the event School is closed no School related activities will be held.

**349                   Threatening Behavior Toward Staff Members**

The Board believes that all Staff Members should work in an environment free of threatening speech or actions. Threatening behavior that consists of words or deeds that intimidate the Staff Member or cause anxiety concerning his/her physical well-being are strictly forbidden. Any student, parent, visitor, Staff Member, representative of the School, vendor of the School or guest, invitee, or trespasser who is found to have threatened a member of the Staff will be subject to discipline or reported to the authorities. The Principal shall implement the guidelines, outlining the appropriate procedures for prompt and effective action on any reported incidents.

See Appendix 349-A Threatening Behavior Toward Staff Members Procedure. See also Policy 422 Public Conduct on School Property and Policy 427 Visitors, Volunteers, and Guests.

**SECTION 350**

**SCHOOL STAFFING, ORGANIZATION, AND TRAINING**

**351                    General Policy**

On a regular basis, the Principal or his/her designee will review the staffing, training, and organization needs of The Maritime Academy of Toledo for the purpose of recommending changes, if needed, to the Board.



**352                    Staff Development**

The teaching staff of The Maritime Academy of Toledo is encouraged to continue their professional growth through a variety of activities. Teachers and Teacher Aides will attend in service training which is conducted throughout the School year. Absence requests must be submitted to the Principal or his/her designee for prior approval.

**353                    Performance Evaluation of Staff**

Every staff member, both certificated and non-certificated will receive one formal performance evaluations during the year which will incorporate all ongoing assessments (observations) made frequently throughout the year. Such assessments will include, but not limited to, the student performance outcomes.

The performance evaluation process is designed to provide the information employees need in order to maintain or improve their performance. The results of the performance evaluation will be used to assess continued employment and the level of compensation for the following year. All evaluation documents shall be dated and signed by the evaluator and the person being evaluated.

### **353.1 Performance Evaluation of Staff (“OTES 2.0”)**

The effectiveness of the teaching staff is essential to the success of the School. Accordingly, teaching staff shall be evaluated pursuant to State law and the statewide, standards-based teacher evaluation framework adopted by the State Board of Education.

This policy has been developed in consultation with teachers employed at the School. The School will implement this policy beginning with the 2021-2022 school year.

#### **Definitions**

Teacher- or the purposes of this policy, “teacher” means a licensed instructor who spends at least fifty percent (50%) of his/her time providing content-related student instruction, and who works at the School under one of the following:

1. A license issued pursuant to R.C. 3319.22, 3319.222 or 3319.226; or
2. A professional or permanent certificate issued under former R.C. 3319.222; or
3. A permit issued under R.C. 3319.301.

Teacher does not refer to substitute teachers or instructors of adult education.

Credentialed Evaluators- A “credentialed evaluator” means an administrator who holds a credential established by the Ohio Department of Education for the evaluation of teachers, and who is employed or contracted with to conduct evaluations.

High-Quality Student Data (“HQSD”)- “High-Quality Student Data” means locally-determined data that evidences student learning attributable to the teacher being evaluated. If applicable, HQSD must include the value-added progress dimension and the teacher shall use at least one other HQSD measure to demonstrate student learning. HQSD may also include data from student assessments approved by the Ohio Department of Education for such purposes; however, HQSD may not include student learning objectives or shared attribution measures.

#### **Holistic Rating**

Based on the outcome of teacher evaluations, teachers shall be assigned a holistic rating of either “accomplished,” “skilled,” “developing” or “ineffective.” Ratings shall be determined based on a preponderance of the evidence gathered through a combination of informal and formal observations and supporting evidence using the Teacher Performance Evaluation Rubric established by the Ohio Department of Education.

Annually, the School shall report to the Ohio Department of Education the number of teachers assigned each effectiveness rating. Reports shall be aggregated by the teacher preparation programs from which, and the years in which, the teachers graduated. Personally identifiable information about the teachers shall not be reported.

#### **Assessment of Teacher Performance**

Teachers shall be evaluated through at least two (2) formal observations by a credentialed

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evaluator, including first a holistic observation and then at least one focused observation, and through at least two (2) periodic informal observations called “classroom walk-throughs”.

Each formal observation shall be preceded by a conference between the evaluator and the teacher to explain the plans and objectives for the classroom situation to be observed. Following each formal observation, a post observation conference shall be held.

Periodic informal observations will be between 5 and 30 minutes long, may be unannounced and may be conducted at the request of the teacher or discretion of the credentialed evaluator. Following each classroom walk-through the evaluator shall provide feedback regarding walk-through observations.

Scoring on the teacher performance component shall be based on the Ohio Standards for the Teaching Profession established by the Ohio Department of Education.

### **Student Performance Calculation**

At least two (2) measures of HQSD shall be used to evidence student learning. The teacher subject to the evaluation, in consult with the evaluator, may select the student data to be used in the evaluation, provided however, when applicable to the grade level or subject area, at least one measure of HQSD shall include the value-added progress dimension. Teachers must provide evidence to their evaluator which demonstrates that they have used high-quality student data in the following ways:

- A. critically reflecting and analyzing available data to support improvement and enhancement of student learning;
- B. critically assess student learning needs and styles, including the entire class' strengths and weaknesses, as well as individual students in each class;
- C. inform and adapt instruction to meet student needs as reflected in data analysis; and
- D. measure student learning, as well as progress toward achieving state and local standards.

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

Teachers with final holistic effectiveness ratings of “accomplished” shall each develop a professional growth plan for the evaluation cycle. Teachers rated “accomplished” will have the right to select their credentialed evaluator and will be able to choose from any credentialed evaluator available at the School.

Teachers with a holistic effectiveness rating of “skilled” will develop a professional growth plan collaboratively with their credentialed evaluator. Teachers rated “skilled” shall have input, but not final discretion, on who will be their credentialed evaluator for the evaluation cycle.

Teachers with a holistic effectiveness rating of “developing” must develop professional growth plans for the evaluation cycle collaboratively with their assigned credentialed evaluator.

Teachers with a holistic rating of “ineffective” will be placed on an improvement plans designed by their credentialed evaluator for the evaluation cycle.

Teachers whose holistic effectiveness ratings are “developing” or “ineffective” shall be assigned a credentialed evaluator by the Principal or his/her designee.

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Regardless of holistic effectiveness ratings, the Principal or his/her designee may place a teacher on an improvement plan at any time during the academic year due to deficiencies in any individual component of the evaluation system described by this policy.

### **Evaluation Time Line**

The School or its management company shall conduct an annual evaluation of all teachers rated “ineffective” or “developing” on their most recent evaluations. Teacher’s rated “skilled” or “accomplished” on their most recent evaluations may be evaluated once every two (2) or three

(3) years, respectively, so long as the teacher submits and makes progress towards his/her professional growth plan. Teachers will be provided with at least one observation and post-conference in any year that the teacher is not formally evaluated.

All teacher evaluations shall be completed by May 1 of each school year. Evaluation results shall be given to each teacher no later than May 10 of the evaluation year.

### **Professional Development**

The School and/or its management company may allocate reasonable financial resources to support professional development efforts in compliance with federal and State law in order to encourage positive results on holistic evaluation ratings and promote the overall success of the School.

### **Retention and Promotion Decisions**

Evaluation results may be used by the School or its management company for retention and promotion decisions. Seniority shall not be the basis for making retention decisions, except when choosing between teachers who have comparable evaluations.

### **Exemption for Select Teachers**

Notwithstanding anything stated elsewhere in this policy, beginning with the 2021-2022 school year, the School shall not conduct an OTES evaluation on any teacher who is either:

1. Participating in the Resident Educator Program (“RESA”) for the year during which that teacher takes at least half of the RESA performance-based assessment for the first time;
2. Was on leave for 50% or more of the school year; or
3. Who has submitted notice of retirement prior to December 1 of the evaluation year.

*R.C. 3319.02; R.C. 3319.11; R.C. 3319.111; R.C. 3319.112; R.C. 3319.22; R.C. 3319.222; R.C. 3319.226; R.C. 3319.26; R.C. 3333.0411*

### **354 Performance Coaching**

Following an employee evaluation, if the Principal or his/her designee determines that the employee's performance does not meet the standards of The Maritime Academy of Toledo, the Principal or his/her designee may engage the employee in the Performance Coaching Process. This process shall not interfere with the School's right to terminate an employee.

1. The Principal or his/her designee will meet with the employee to discuss the performance concern(s) and to identify ways to improve the employee's performance. This discussion must be documented and include specific measurable performance objectives that the staff member must meet within a specified time. The date and time of the next meeting will be established before the meeting is concluded.
2. If the employee does not meet the objectives by the time of the second meeting or if improvement is not sustained, then at the discretion of the Principal or his/her designee, a second plan similar to the first may be devised or the Principal or his/her designee may elect to proceed to step 3 (below). This meeting also must be documented.
3. If the employee's performance still does not improve or is not sustained at a level satisfactory to the Principal or his/her designee, then appropriate action may be taken which could include termination.

**355                    Reduction of Staff**

The Board reserves the right to eliminate positions and reduce staff as deemed necessary. The Principal or his/her designee shall make recommendations for staff reduction and report them to the Board.

**356 Local Professional Development Committee**

In compliance with Ohio Revised Code (“R.C.”) 3314.03, the School will follow the requirements for establishing a Local Professional Development Committee (“LPDC”), as is required by R.C. 3319.22. In establishing the LPDC, the following shall apply:

1. The LPDC shall be a building level committee (being referred to herein as “consortium” or “constituents”).
2. The certified/licensed general education teachers in the School shall elect, by majority vote, three (3) certified/licensed teachers to be a member of the LPDC.
3. Representation of a principal on the LPDC shall be determined by majority vote of the Governing Authority (if the LPDC is a building level committee), or, of the principals of the constituents participating in the LPDC (if the LPDC is and building and non-building level consortium). The following apply to the votes of the principal if the LPDC is both a building level and non-building level consortium:
  - a. The principals of the constituents shall vote at a time concurrent with the vote by the teacher constituents.
  - b. The principals of the consortium shall vote on an order of membership on the LPDC whereby the principals’ representation shall revolve between the consortium schools on a yearly basis.
4. An additional member of the LPDC may be elected by the Principal, and if none, by the Governing Authority, or, if the committee is a consortium of building and non-building level schools, by the three teachers and the principal representatives.
5. The activities of the LPDC shall apply to each constituent as though the consortium were a district.
6. The terms of the members of the LPDC shall be one (1) year and the members may be re-elected in accordance with 2, 3, and 4 above. Members may serve additional terms, except for the principal in accordance with 3(b) above, if applicable.
7. Mid-term vacancies on the LPDC shall be filled by: for teachers, by a majority vote of those teachers elected to the LPDC, and, for principals, by the Principal of the School, or, if none, by the School Governing Authority or Authorities.
8. The LPDC shall meet at least two (2) times per school year, but may meet more. This policy empowers the LPDC to determine the frequency, time, and place of the meetings and such decisions shall have a binding effect.
9. An educator wishing to appeal the decision of the LPDC may appeal to the President of the Governing Authority for review by Governing Authority (if a building level committee).
10. Any tie vote or any vote without a majority shall be decided by the President of the Governing Authority (if a building level committee).
11. The LPDC shall 1) set the requirements for teachers requiring renewal of Ohio Department of Education certificates or licenses, 2) make decisions regarding participation in external training



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or professional development, 3) address the performance improvement processes internally, and 4) all other matters required by law.

*R.C. 3319.22*

**SECTION 360**

**EMPLOYEE MISCONDUCT, DISCIPLINE, AND TERMINATION**

### **361 Employee Discipline**

The School is committed to establishing and maintaining supervisory practices and procedures that support effective operations in the interest of the organization and its employees. Such procedures may include the administration of disciplinary action to assist employees in overcoming work related problems, performance deficiencies, or behavior that violates the School's policies, practices, and procedures.

Although the School maintains a progressive disciplinary procedure, circumstances may warrant disciplinary action outside of the progressive procedure. For example, the progressive procedure may not be appropriate: (1) when the conduct at issue involves severe performance deficiencies, performance problems related to skill or ability, or certain types of inappropriate or disruptive conduct; (2) when the initial steps of progressive discipline do not assist the employee in correcting the problem; (3) when the employee occupies a position requiring the exercise of effective management and leadership; or (4) when the employee's actions, or inactions, may seriously impair the School's ability to carry out its mission. If the School determines that these, or similar circumstances exist, the School may determine that the progressive disciplinary procedure is inappropriate. Moreover, under certain circumstances, a supervisor may determine that although the procedure should be utilized, certain steps in the procedure should be omitted or repeated.

## **362                    Disciplinary Procedure**

### **Step 1: Oral Discussions and Warning**

The initial step of the progressive disciplinary procedure is for the supervisor to discuss the problem with the employee as soon as possible after the incident or awareness of the problem occurs. The supervisor should discuss the problem, suggest ways to improve or to correct the problem, and identify a time period for corrective action.

### **Step 2: Written Warning**

The second step is for the supervisor to provide the employee with a written warning. The step is generally taken when the initial step does not correct the problem, although a supervisor may determine that a written warning is warranted as the initial step. When a written warning is given an employee, the supervisor should meet with the employee, outline the problem, suggest ways to improve or correct the problem and identify a time period for corrective action. The specifics of this discussion should be documented in a letter or memorandum that is provided to the employee and forwarded to the Principal or his/her designee for placement in the employee personnel file. A copy of the letter or memorandum should also be initialed by the employee. If the employee refuses to sign it, this should be documented by the supervisor.

### **Step 3: Suspension**

Although not generally a step in the progressive disciplinary procedure, suspension may be appropriate as the third step. If utilized at all, suspension is generally limited to two circumstances. First, a supervisor may determine that suspension should be used as a corrective measure to emphasize the seriousness of a problem. Second, suspension may be used because discharge appears warranted but the supervisor needs time for an investigation to be conducted to determine if discharge is actually warranted. In any event, suspension is for a specified period and, except for exceptional circumstances, without pay.

### **Step 4: Discharge**

If prior measures fail to correct a problem, the final step in the progressive discipline procedure is termination. If the supervisor is satisfied that discharge is appropriate, and the Principal or his/her designee concur, discharge should be initiated. The circumstances that led to the decision to discharge the employee should be documented by the supervisor.

### **363 Termination**

In certain circumstances, The Maritime Academy of Toledo will choose to be an “At Will” employer and as such an employee may be terminated without cause. Whether an employee is “at will,” or, serving under a contract that requires cause for termination, listed below are some reasons which may result in an employee being terminated. This list is not intended to contain all possible reasons for termination.

- Theft or Dishonesty;
- Material destruction or unauthorized use of School property;
- Falsification of School Records;
- Unacceptable work performance, including irregular or tardy attendance;
- Unacceptable attendance record;
- Providing inappropriate assistance or information to students on tests;
- Threatening, harassing, assaulting or abusing any student, employee or visitor;
- Fighting, physical violence and verbal abuse;
- Possession of firearms or explosives;
- Violation of the drug, alcohol and/or smoking policies;
- Intoxication or use of alcohol on School property;
- Use, sale or possession of unlawful drugs on School property
- Sleeping on duty;
- Neglect of duty and disruption of others;
- Insubordination or inefficiency;
- Abuse or inappropriate access of confidential information;
- Willful violation of School safety or security regulations;
- Violation of procedures or policies of the School;
- Unequal application of procedures or policies of the School;
- Conduct unbecoming to a teacher or school employee;
- Inability to manage classroom or obtain results for academic achievement.

**364                    Resignation**

When an employee wishes to resign he/she must submit their resignation in writing at least thirty (30) days prior to the effective date.

**365 Whistleblower Policy**

The Ohio Revised Code prohibits employers from taking any disciplinary or retaliatory action against an employee for making a report of a violation of any state or federal statute that an employee believes is:

1. a criminal offense that is likely to cause either an imminent risk of physical harm to persons or a hazard to public safety,
2. is a felony; or
3. an improper solicitation for a contribution.

In order to receive the protection afforded by the Revised Code, the employee must orally notify his or her supervisor of the violation and subsequently file a written report with the supervisor that provides sufficient detail to identify and describe the violation. If the employee is unable to report the violation to his or her supervisor, the oral and written reports must be made to the Board. Employees must make a reasonable and good faith effort to determine the accuracy of any information that is reported verbally or in writing.

If the employer does not correct the violation or make a reasonable and good faith effort to correct the violation within twenty-four hours after the oral notification or the receipt of the report, whichever is earlier, the employee may file a written report that provides sufficient detail to identify and describe the violation with the prosecuting authority of the county or municipal corporation where the violation occurred, with a peace officer, with the inspector general if the violation is within the inspector general's jurisdiction, or with any other appropriate public official or agency that has regulatory authority over the employer and the industry, trade, or business in which the employer is engaged.

The employer will not retaliate or take part in any form of reprisal against the employee bringing the complaint. Employees who believe they may have been subject to retaliation should report suspected retaliation to the Board President.

An employee may be subject to discipline if it is determined that the report of wrongdoing was knowingly fabricated by the employee or was, knowingly distorted, exaggerated or minimized to either injure someone else or, to protect the reporting party or others.

Complaints of harassment will be handled in accordance with the anti-harassment policy.

In addition, the Ohio Auditor of State's office maintains a system for the reporting of fraud, including the misuse of public money by any official or office. You may make an anonymous complaint through a toll free number, through the Auditor of State's website, or through the United States mail at:

Telephone: 1-866-FRAUD OH (1-866-372-8364)

Ohio Auditor of State's Office  
Special Investigations Unit  
88 East Broad Street  
P. O. Box 1140  
Columbus, OH 43215

Web: [www.ohioauditor.gov](http://www.ohioauditor.gov)

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You must sign either **Appendix 365-A** OR the acknowledgement of receipt of the employee handbook in order to confirm receipt and understanding of this information.

*R.C. 4113.51; R.C. 117.103(B)(1)*



**SECTION 370**

**COMPENSATION AND BENEFITS**

**371                    General Policy**

The School strives to establish pay levels that are competitive with those of similar schools in our area. The School's goal is to attract excellent staff-one of our School's most valued assets. Adjustments may be made by the Board, taking into consideration past performance, experience, market availability, job responsibilities, etc.

**372                    Scheduling**

The hours worked will be established and changed as necessary to meet the needs of the School and its students. A general description of school and work hours will be announced at the beginning of the School year. This schedule may change from time to time as necessary.

**373                      Recording Work Time**

All hourly employees are responsible for keeping accurate time records in accordance with School procedure. Instructions will be given by the Principal or his/her designee as to how to complete your time slip. You are not to complete any other employees' time slip nor permit/direct someone else to complete yours.

*20 USC 211(c).*

**374 Overtime Pay**

As defined by law, nonexempt employees receive overtime pay for hours worked beyond forty (40) in a workweek. Overtime is defined as any hours in excess of forty (40) hours accumulated during the normal work week which is Sunday through Saturday. Overtime hours are paid at time and one half. A substantial amount of overtime is available to employees with good attendance and work performance.

Under federal law, exempt employees generally speaking, salaried executive, professional, and administrative employees, as defined by law, and outside sales persons, as defined by law are exempt from the law requiring payment for overtime work. Exempt employees are responsible for working as many hours as necessary to get the job done and are not offered to overtime pay. At hire, you will be notified of your exempt or non-exempt status.

*29 U.S.C. 207(a)(1)-(2); R.C. 4111.03.*

**375                    Salary Deduction Policy**

It is our policy to comply with the “salary basis” requirements of the Fair Labor Standards Act (FLSA). Therefore, we prohibit the School from making any improper deductions from the pay of exempt employees. We want employees to be aware of this policy and that the School does not allow deductions that violate the FLSA.

Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. Also, the School is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the FMLA. In these circumstances, either partial day or full day deductions may be made.

If you believe that an improper deduction has been made from your salary, you should immediately report this information to the Principal. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

*29 C.F.R. 531, et. seq.*

### 376 Tuition Reimbursement Program – Policies and Procedures

The Tuition Reimbursement Program of the School has been established to provide you with increased opportunity to improve your knowledge and skills through participation in courses offered by accredited educational institutions.

Full-Time employees who have completed six (6) months of continuous employment are eligible to apply for reimbursement for tuition costs and required lab fees (books, extraneous fees, etc. are not included). Courses must be directly related to your current job, an advanced position, becoming highly qualified, or an identifiable career path within the organization. Course must not interfere with your normal work schedule, and participation in the program must be approved in writing by your supervisor before being submitted to the Business Manager. The Superintendent has the final authority for determining the eligibility of a tuition reimbursement request.

If you are enrolled in a degree program, the program must be approved as being job-related. Degree curriculum and proof of tuition cost must be attached to the application. Once the degree program has been approved, you are eligible for tuition reimbursement for any course necessary to complete the degree program. Prior to a course commencing, submit your approved tuition reimbursement application, course description, and proof of cost to Business Manager. See **Appendix 376-A** for necessary forms.

The amount the School reimburses is based on your final grade according to the following chart. Tuition reimbursement is based upon a pool of funding and is not guaranteed.

Undergraduate Course:

<u>Final Grade</u>	<u>Reimbursement percent</u>
A	{ up to \$300.00 per course with a cap at \$900.00 total
B	
PASS	

Graduate Course: [School to fill in]

<u>Final Grade</u>	<u>Reimbursement percent</u>
A	{ up to \$300.00 per course with a cap at \$900.00 total
B	
PASS	

No reimbursement will be offered for a lower grade.

Your final grade must be submitted to the Business Manager within sixty (60) days of completion of the course and must be on an official university transcript or letterhead.

Note: Grant supported coursework, seminars, workshops, and short-term course that will enhance an employee's skill set are not covered under this Tuition Reimbursement Program. Some exceptions may be allowable with the approval and permission of the Superintendent. The Superintendent has the final response on reimbursement payment. Please contact the Business Manager if you have questions or need further clarification about this program.

The Superintendent reserves the right to remove or modify benefits at any time upon written notice.

**SECTION 380**

**TIME OFF FROM YOUR JOB**



**381                    Personal Leave**

Each full time employee is given *up to* twelve (12) paid sick days per year. Up to ten days of unused sick leave per year may be carried over to subsequent years and accumulated to be used for sick leave.

Employees receive up to two (2) personal leave paid days per year. Unused personal leave is not carried over to the next or following year(s). Employees who are terminated, separated, or resign are not paid for unused personal leave.

Use of paid time off should be requested as far in advance as possible. An employee absent due to illness must notify the Principal or his/her designee as soon as possible and no later than 1 1/2 hours prior to the opening of School. Failure to promptly and properly notify School administrators may result in disciplinary action and a charge of personal time without payment for the time off.

In the event of a pandemic flu outbreak or any other pandemic disease outbreak, use of personal leave shall be limited to the employee's illness or illness in the employee's immediate family. Personal leave may not be used for personal matters or vacation during such time.

A pandemic is a global disease outbreak. The limitations on the use of personal leave for all employees shall apply only upon a determination by the federal or state government that a pandemic flu outbreak or other pandemic outbreak exists within the School's community.

These provisions do not limit an eligible employee's ability to utilize unpaid leave time under the Family and Medical Leave Act, if applicable.

**382                    Paid School Holidays**

Paid School holidays are determined by the School-year calendar, such as a federal or state holiday, winter or spring break.

The only vacation is the summer break. It is unpaid, except for administrators with a year-round contract. Some Employees have their school-year pay paid over 12 months, but that is not “vacation pay.”

Administrators/or employees with year-round contracts may have vacation pay.

Vacation time or pay does not accumulate or carry over into subsequent years unless otherwise expressly stated in an Administrator’s contract.

**383 Medical Leave of Absence**

If an employee is unable to physically or mentally perform his or her job they may request an unpaid medical leave of absence. This should be done in concert with the recommendations of a physician(s). Medical leaves of absence must be reported to the Board. While on medical leave the employee shall not accumulate personal leave, health insurance shall not be continued by the Board and the employee shall not take other employment. Employees may elect to pay the cost of health insurance during a period of approved leave.

**384 Other Leave**

**Jury Duty Leave**

Full time employees who are selected for jury duty will be excused for the duration of the leave and receive their normal pay for each day they serve, for up to two weeks. The employee may also keep their jury duty pay. *R.C. 2313.19.*

**Military Leave**

The School observes all applicable laws concerning military leave and re-employment rights following military training and service. *Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 et seq.; R.C. 3319.085; R.C. 5923.05.*

**Voting Leave**

Employees who are unable to reach their polling locations outside of work hours shall be permitted to take a reasonable amount of unpaid leave to vote on election days. The Employee must provide reasonable notice to the Principal or his/her designee of the need for voting leave and may be required to provide evidence of voting upon return to work. *R.C. 3599.06.*

**Witness and Crime Victim Leave**

Employees who have been the victim of a crime, or are a member of a crime victim's family, shall be permitted to participate in the preparation for criminal or delinquency proceedings, if attendance is requested by the prosecutor responsible for the proceedings, and shall be permitted to attend proceedings pursuant to a subpoena where attendance is reasonably necessary to protect the interests of the victim. Such leave will be unpaid. Employees must promptly provide a copy of any prosecutorial requests or subpoenas to the Principal or his/her designee prior to taking leave. *R.C. 2930.18.*

**First Responder Leave**

Employees who serve as volunteer firefighters or volunteer emergency medical service technicians ("EMT") shall be permitted to be absent or late in order to respond to an emergency prior to the time scheduled to report to work. Such leave will be unpaid. In order to be guaranteed this leave, an employee must give at least thirty (30) days written notice signed by the chief of the volunteer fire department or the medical director of the emergency medical organization with which the employee serves indicating that the employee is a volunteer firefighter or EMT. Employees must make every effort to provide reasonable notice that the employee may report late or be absent from work due to his/her dispatch to an emergency. Upon request, the Employee may be required to provide written documentation stating the cause of the employee's tardiness or absence signed by the relevant fire chief or medical director. It is the responsibility of the employee to notify the Principal or his/her designee of any changes to his/her role as a volunteer firefighter or EMT. *R.C. 4113.41.*

**385                    Family and Medical Leave (FMLA)**

**Eligibility.** To qualify for FMLA leave, an employee must meet each of the following criteria and have a qualifying reason for the leave:

- Be employed at a location that has at least fifty (50) of our employees within a seventy-five (75) mile radius.
- Have been employed by the School at least twelve months.
- Have worked at least 1,250 hours during the twelve month period or fifty-two (52) weeks immediately before the date the leave begins.

Even though the School may be a covered employer, employees must meet all three of the above requirements to be eligible.

**General Policy.** We provide eligible employees with twelve (12) weeks of unpaid, job-protected leave for any of the following family and medical reasons according to the Family and Medical Leave Act (FMLA).

- An employee's own serious health condition, as defined, that makes the employee unable to perform the essential functions of the job.
- For incapacity due to pregnancy, prenatal medical care or child birth.
- To care for an employee's spouse, child, or parent with a serious health condition.
- To care for an employee's newborn child, newly adopted child, or newly placed foster child as long as the leave is taken in the year following the child's birth or placement.
- To attend to a qualifying exigency relating to a spouse, child or parent on or called to active duty in the Armed Forces, including the National Guard or Reserves in support of a contingency operation. (Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.)

An eligible employee may take a total of twenty-six (26) weeks of unpaid leave during a single twelve (12) month period to care for the spouse, son, daughter, parent, or next of kin of a service member who is a current member or veteran (within five years) of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render him/her medically unfit to perform his/her duties. The leave may be taken to care for the covered servicemember while he or she is undergoing medical treatment, recuperation, or therapy or is in outpatient status or is on the temporary disability retired list.

If a husband and wife both work for the School, and each wishes to take FMLA leave for the birth or placement for adoption or foster care of a healthy child, or to care for an employee's parent (not parent "in law") with a serious health condition, the husband and wife may be limited to a combined twelve (12) weeks of leave.

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**Requesting a Leave.** An employee must inform his/her supervisor/manager and Human Resources at least thirty (30) days in advance of the need to take FMLA leave when the need for the leave is foreseeable. If it is not possible to give thirty (30) days' notice, an employee must provide notice as soon as practicable and must comply with the School's normal call-in procedures and attendance policy. Failure to give appropriate notice of the need for leave may result in denial of the leave, disciplinary action and/or termination of employment.

To request a leave, the employee must notify his/her supervisor, complete the appropriate form(s) and return it to Human Resources by the required date.

Human Resources will inform the employee whether he/she is eligible for leave under the FMLA and, if so, will advise the employee of any information required and of the employee's rights and responsibilities associated with the leave. Human Resources will also inform the employee of the reason if the employee is not eligible for leave.

**Additional Forms and the Leave Determination.** An employee may be required to provide additional information to determine if the employee qualifies for FMLA protection. Information requests may include documentation of the employee's inability to perform his/her job, an employee's family member's disability status, continuing treatment and/or hospitalization needs or other circumstances surrounding the nature of the employee's leave. An employee must inform the School if any requested leave is for a reason for which FMLA leave was previously taken or certified. An employee will be required to provide sufficient information informing the School of the timing and duration of his/her leave. An employee may also be required to provide certification and periodic recertification supporting his/her need for leave.

**Certification of Health Care Provider.** An employee's treating health care provider must specify and certify the nature of the qualifying serious health condition, beginning/ending dates of incapacity, treatment, or care, etc. A Certification of Health Care Provider form must be fully completed, signed, and dated by the treating health care provider and submitted to Human Resources within fifteen (15) days of the date requested, absent extenuating circumstances. If leave is requested to provide care for an eligible family member, both the employee and the family member's treating health care provider will need to complete the applicable sections of a Certification form. If an employee fails to provide the Certification of Health Care Provider form within fifteen (15) days of the date requested, leave may be delayed or denied. It is an employee's responsibility to ensure timely completion and return of the Certification of Health Care Provider form.

The health care provider may be asked to authenticate the certification or the School may ask for the employee's authorization to contact the health care provider to obtain clarifying information related to the Certification of Health Care Provider form if questions arise at the time of approval reviews and any subsequent determination(s) related to leaves. The School may also request certification and other updates as appropriate and necessary.

The School may also seek second or third opinions (at School expense) from independent third party medical experts. An employee (or the employee's family member) may be required to submit to an examination by one or more of such experts. An employee's cooperation with such examinations is required and failure to cooperate may cause the leave to be delayed or denied. An employee will be granted provisional leave while the School waits for clarifications and/or the results of a second or third opinion.

**Communicating Leave Status.** Human Resources will inform the employee if the leave has been approved, usually after receiving the Certification of Health Care Provider form. The employee will also receive a designation of his/her FMLA leave status in writing which will detail the type of leave being approved, along with the approved leave period, return-to-work date, and related requirements. The time off prior to approval will be counted as part of the leave if eligibility and qualification are established. The School may retroactively designate time away from work that qualifies as job-protected FMLA and count the absences toward the twelve (12) week entitlement. An employee will be notified in writing of this designation while absent or after returning to work. If an employee's leave is determined to be non-qualifying, he/she will be advised in writing.

**Serious Health Condition Defined.** A serious health condition means an illness, injury, impairment, or physical or mental condition that involves one of the following:

- *Overnight Care* in a medical care facility.
- *Continuing treatment* by a health care provider that prevents the employee from performing the functions of his/her job (or prevents the employee's family member from participating in daily activities, like work or school.)
  - The continuing treatment requirement generally is met by a period of incapacity of *more than three consecutive calendar days* combined with:
    - At least two visits to a health care provider; or
    - A visit to a health care provider and a regimen of continuing treatment.

*Note:* Treatment does not include routine physical, eye, or dental examinations. A regimen of continuing treatment does not include the taking of over-the-counter medications such as aspirins, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a treating health care provider.
- Due to *pregnancy or prenatal care*.
- Due to a *chronic condition*.
  - Chronic Conditions Requiring Treatments. A chronic condition that is documented by a physician and requires all of the following:
    - Requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider;
    - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
    - May cause episodic rather than a continuing period of incapacity (for example, asthma, diabetes, epilepsy, etc.).
- *Permanent/Long-term Conditions Requiring Supervision.* A period of incapacity that is permanent or long term due to a condition for which treatment may not be effective. The employee or his/her family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
- *Multiple Treatments (Non-Chronic Conditions).* Any period of absence to receive multiple treatments (including any period of recovery) by a health care provider, either for restorative surgery after an accident or injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days.

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**Personal Time Off (PTO).** When an employee requests FMLA, he/she is required to use his/her PTO in accordance with the School's normal PTO policy unless he/she is receiving short-term disability or Workers' Compensation payments. After PTO is exhausted, unpaid leave will be granted until the end of the FMLA leave. Leave time compensated with PTO, short term disability and/or workers' compensation runs concurrent with (counts against) the employee's weeks of available FMLA leave.

**Period of Leaves of Absence.** The School measures the twelve (12) month FMLA leave period as a rolling twelve (12) month period counted backward from the date an employee uses leave under this policy. Each time an employee takes FMLA leave, the School will compute the amount of leave taken under this policy and subtract it from the twelve (12) weeks of available leave, specific to each rolling twelve (12) month period. The remaining balance is the maximum the employee is entitled to take at that time under FMLA.

**Second Qualifying Event While on Leave.** If an employee has a second qualifying leave while out on approved FMLA leave, he/she may request approval for a concurrent leave. The leave periods may partially or fully overlap. The employee will be required to complete the appropriate FMLA leave forms and provide a Certification of Health Care Provider form to establish qualification, the leave period and a return-to-work date, which may be different. If the leave is approved, the employee's return-to-work date is the latter of the two leave periods.

**Benefits While On Leave.** The School will continue to pay its portion of the employee's group health insurance benefit premiums during the leave period at the same level and under the same conditions as if he/she were actively at work. If the employee receives a paycheck during the period of leave, the employee will have his/her benefit premiums deducted as usual. If the employee does not receive a paycheck while on FMLA leave, he/she is responsible for paying the employee share of the benefit premiums while on FMLA leave. At the beginning of the leave, Human Resources will provide the employee with information on how and when to make premium payments. Premium payments must be made within thirty (30) days of the due date to avoid cancellation. *The employee must continue paying his/her share of premiums or the benefit coverage may be canceled.* If an employee does not return to work after FMLA leave, he/she may be required to reimburse the School for any benefit premiums paid on his/her behalf.

Use of FMLA will not cause an employee to lose any employment benefit that accrued prior to the start of the employee's leave.

**Manner in Which FMLA Leave May be Taken.** FMLA may be taken in a single block of consecutive weeks, or, when medically necessary, leave for some conditions (including qualified exigencies) may be taken intermittently or on a reduced leave schedule. **"Intermittent Leave"** is leave taken in separate blocks of time due to a single illness or injury, rather than for one continuous period of time. **"Reduced Leave"** is a leave that reduces an employee's usual number of working hours per workweek or per workday. In all cases, the total leave time may not exceed a total of twelve (12) weeks in a rolling twelve (12) month period.

An employee is required to schedule leave for planned appointments outside of work hours so as to not disrupt the School's operations or to consult with his/her supervisor prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the employee and the School without unduly disrupting the School's operations.



## Maritime Academy Governing Board Policies

Requests for intermittent leave are handled the same as any other FMLA leave (See “Requesting a Leave”). Once FMLA status has been established, further requests for intermittent leave require the employee to:

- Notify his/her supervisor/manager and Human Resources of the need to use intermittent leave as soon as possible.
- Follow the School’s absence and call off requirements.
- Provide appropriate documentation for each time he/she uses intermittent leave.

Employees are not eligible for intermittent leave or reduced work schedules to care for a newly born or placed child.

The School may temporarily transfer an employee taking intermittent or reduced leave for planned medical treatment to an available alternative position with no loss of pay or benefits in order to better accommodate the intermittent or reduced leave schedule.

**Return to Work.** As soon as you know your return-to-work date, the employee must notify his/her supervisor and Human Resources. If the return to work date changes, the employee must notify the School immediately – no later than two (2) days after learning of the change.

An employee may be required to provide a fitness for duty certificate from the health care provider indicating the employee’s capacity to return to work and to perform the work required. The employee must be able to perform the essential functions of his/her job upon return. Requests for different (light) duties because of work restrictions cannot generally be accommodated.

When an employee returns from FMLA leave, he/she will be reinstated to his/her former position or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. Exceptions may apply if business circumstances have changed and for certain highly compensated positions under conditions defined within FMLA legislation.

If an employee fails to provide a required fitness for duty certificate from his/her treating physician, does not complete the School’s return-to-work requirements and/or fails to return to work in a timely manner, the employee may not be reinstated to his/her job and may have his/her employment terminated.

**Restrictions While on Leave.** No employee may not engage in other employment (including self-employment) while on FMLA leave (or on a leave of absence of any kind.) A leave must be used only for the purpose requested. If an employee uses a leave of absence for any other purpose, including for travel/vacation, the employee will be treated as if he/she voluntarily resigned from his/her position.

**386                      Serious and Communicable Diseases Policy**

It is the policy of the School that employees with infectious, long-term, life-threatening, or other serious diseases or illnesses may work as long as they are able to perform the duties of their job without undue risk to their own health or that of pupils, other employees, or members of the public.

An employee who is diagnosed as having an infectious, long-term, life-threatening, or other serious disease or illness is encouraged to notify the Principal or his/her designee of the condition as soon as possible and should provide the Principal or his/her designee with any pertinent medical information needed to make decisions regarding job assignments, ability to continue working, or ability to return to work. The School may require a doctor's certification of an employee's ability to perform job duties. In addition, the School may request that an employee undergo a medical examination by a physician or other health care provider determined by the School.

An employee may be subject to an isolation requirement if he or she is infected with one of the diseases or conditions specified by the Ohio Health Department. Employees diagnosed with one of the following diseases must immediately report the diagnosis to the Principal or his/her designee: Amebiasis, Campylobacteriosis, Chickenpox, Cholera, Conjunctivitis, Cryptosporidiosis, Cyclosporiasis, Diarrhea (infectious or of unknown cause), Diphtheria, Escherichia coli (E. coli) O157:H7 or hemolytic uremic syndrome (HUS), Giardiasis, Hepatitis A, Measles, Meningitis (aseptic, and viral meningoencephalitis, but not including arthropod-borne disease), Meningococcal disease, Mumps, Pediculosis, Pertussis (whooping cough), Plague, Rubella, Salmonellosis, Scabies, Shigellosis, Smallpox, Streptococcal infection, Tuberculosis (TB), Typhoid fever, Typhus, Viral hemorrhagic fever (VHF), Yellow fever, and Yersiniosis. This list is not exhaustive and may be modified in accordance with State and Federal law.

The School will attempt to maintain the confidentiality of the diagnosis and medical records of employees with serious diseases and illnesses, unless otherwise required by law. Information relating to an employee's serious disease or illness will be treated as confidential and ordinarily will not be disclosed to other employees.

The School will comply with applicable occupational safety regulations concerning employees exposed to blood or other potentially infectious materials. Universal precautions, work practice controls, and personal protective equipment will be used where appropriate to limit the spread of diseases in the workplace. Compliance with the Infectious Diseases Policy of this School is mandatory and failure to abide by the policy may subject the employee to discipline, up to and including discharge.

Employees concerned about being infected with a serious disease or illness by a pupil, coworker, or other person should convey this concern to the Principal or his/her designee. Employees who refuse to work with or perform services for a person known or suspected to have a serious disease or illness, without first discussing their concern with the Principal or his/her designee will be subject to discipline. In addition, where there is little or no evidence of risk of infection to the concerned employee as determined by the Principal or his/her designee, the Employee's continued refusal to work may be found unreasonable and could result in discipline, up to and including termination.

The School has discretion to subject an employee to an examination by a physician or other health provider determined by the School in order to protect the health of all pupils and school employees. The School may place an employee on a communicable disease involuntary leave of absence when the employee has contracted a communicable disease that puts others in imminent danger of death

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or serious injury in the workplace or if an examination finds that he or she has contracted a communicable disease.

The School may require any employee who was put on a communicable disease involuntary leave of absence to obtain and present certification from a physician or other health care provider as determined by the School that the employee is able to resume work without risking the health of others.

These provisions do not limit an eligible employee's ability to utilize accrued paid time off or unpaid leave time under the Family and Medical Leave Act, if applicable, during a communicable disease involuntary leave of absence.

*R.C. 3313.71; O.A.C. 3701-3-13*

See Section 400s Health and Safety Policies.

**387 Military Leave for Family Member**

An employee who is the parent, spouse, guardian or former guardian of an active duty military member may be permitted unpaid leave for up to ten (10) days, or eighty (80) hours, whichever is less, per calendar year in the following circumstances:

- The Employee has at least twelve (12) consecutive months of service with the School;
- The Employee has worked at least one thousand two fifty (1250) hours in the twelve (12) months immediately preceding the leave;
- The military member is called to active duty for a period of longer than thirty (30) days or is injured, wounded, or hospitalized while serving on active duty.

Leave taken because of a call to active duty may be taken no more than two (2) weeks before nor more than one (1) week after deployment.

Notice of the need for leave should be given to the School as far in advance as is possible. Certification or verification of the need for leave must be submitted prior to commencement of the leave.

Military leave for a family member is available only if the employee has no other form of leave available (except for sick or disability leave.)

Benefits provided to the employee taking unpaid leave shall continue uninterrupted. The Employee is required to continue making his/her contribution to benefit costs during the leave period.

Employees taking military leave for a parent, spouse, guardian or former guardian will be returned to work with no adverse impact on terms and conditions of employment.

*R.C. Chapter 5906.*

**388                    Genetic Information**

In the course of your employment, there may be situations in which you are required to provide medical information to the School (FMLA, leave of absence, workers' compensation, etc.) The Genetic Information Nondiscrimination Act of 2008 (GINA) restricts employers from requesting or requiring genetic information, except in limited circumstances. Accordingly, Employees should not provide any genetic information when responding to requests for medical information.

“Genetic information” includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

*42 USC 2000ff, et. seq.*

**SECTION 390**

**MISCELLANEOUS POLICIES**



**391.1 Health Insurance and Annuities**

The Board provides health insurance for all full time employees. Hourly employees are not generally provided paid health insurance. The amount contributed by the Board is determined annually prior to the start of a new school year. The Board also contracts for dental and legal insurance, which is paid totally by the Employee, provided, however, an Employee may use their FSA money, if any, for these costs. From time to time, the Board may have several contracts with companies who provide tax sheltered annuities to Employees who wish to contribute. These are paid entirely by the employee. Employee contributions shall be made through payroll deductions. If an Employee is given a leave of absence for a period of time, the Board will not pay the employee's health insurance except as required for eligible parties under the FMLA (see Policy 385 above). The Employee may elect to pay the premiums for such time as they are on an approved leave. An Employee who resigns/terminates prior to the end of their contract year will have Board paid health insurance only through the end of the month in which their resignation is effective. If a teacher or teacher aide resigns/terminates at the end of their contract year, the Board will continue to pay their health insurance premium through the month of June. Staff members who leave at the end of their contract will have their health insurance paid through the end of the month immediately following the end of the contract.

*R.C. 9.90.*



**391.2            Workers' Compensation Insurance**

As required by law, all employees are covered by Workers' Compensation Insurance, which may provide benefits for injuries or illness that occur as a result of employment at The Maritime Academy of Toledo. Any injury, regardless of its apparent seriousness must be reported immediately to your supervisor. Failure to immediately report an on the job injury will result in discipline up to and including discharge.

*R.C. 4123.01; R.C. 4123.83.*

**391.3 STRS/SERS**

By law, many Staff may be covered by the State Teachers Retirement System (STRS) or the State Public Employee Retirement System (SERS). Some contractors may not be eligible for such benefits. Determinations will be made based on law, facts, and circumstances, in conjunction with applicable professional advisors and governmental agencies.

*R.C. 145.03.*

**391.4            Unemployment Compensation**

By law, most workers are insured for unemployment compensation, which provides income payment in certain conditions for a period of weeks if you lose your job under certain conditions.

*R.C. 4141.01.*

**392                    Staff Dress and Grooming/Staff School Uniform**

School employees are expected to set an example for students to follow regarding dress and grooming. Employees shall dress and conduct themselves in a manner which reflects the discipline, respect and dignity associated with the image of the School.

**393                    Student Activities**

The formation of all student activities (clubs, teams, groups, etc.) must first be approved by the Principal or his/her designee. The Principal or his/her designee will give consideration to all factors in determining the potential value to students before final approval is given. Copies of all the necessary forms, rules and regulations pertaining to the establishment of a student activity are available from the Principal or his/her designee.

**394 Fundraising Activities and Projects**

Copies of the forms and rules and regulations are available from the Business Manager/Treasurer. There is a potential personal liability associated with maintaining proper and accurate records, safeguarding and depositing funds, and assuming responsibility for conducting and overseeing a fundraising project. Staff members are advised to carefully follow all rules, regulations, and policies governing fundraising activities.



### **395.1 Purchase of Supplies and Materials, Equipment**

Staff members may request the purchase of supplies and materials provided the Principal or his/her designee approves the purchase and there are adequate funds in the budget to cover the cost. All Staff members must follow the following rules, regulations, and procedures when making a purchase.

1. Verbal approval by itself is never acceptable to make a purchase or place an order. A requisition must first be completed and then signed by the appropriate supervisor and the Principal or his/her designee and then sent to the Treasurer or his/her designee. The Treasurer or his/her designee will determine if there are adequate funds available in the budget for the transaction and will then issue a written purchase order and send it to the vendor.
2. Upon receipt of the supplies and materials, the Staff member who made the request will be responsible to verify that all items ordered have been received and are acceptable for use. If there are any problems with the items received, contact the Business Manager or his/her designee for advice on how to resolve any concerns.
3. When an invoice for payment is received, the Treasurer or his/her designee will make a copy of the invoice and have Staff member who placed the order date, sign, and write on the copy "OK to pay" and return it to the Treasurer or his/her designee. The Treasurer or his/her designee has the authority to approve up to \$3,000 for any one purchase, subject to any budget constraints, before having to receive Board approval of a purchase.

See also Policy 148.1 Purchasing/Invoicing, Policy 148.6 Credit Cards, Policy 148.7 Staff Reimbursement, and Policy 149 Use of Cellular Telephones and Other Wireless Technologies.



**395.2 Leases and Contracts**

All leases and contracts must be initiated by a School administrator and approved by the Board. No staff member, school administrator, consultant, parent, or any other person has the authority to sign a lease or contract without Board approval.

**396                Staff Gifts**

Students and their parents are discouraged from the routine presentation of gifts to School employees on occasions such as religious holidays. Where a student feels a spontaneous desire to present a gift to a staff member, the gift should not be elaborate or unduly expensive. The Board considers as always welcome, and in most circumstances more appropriate, the writing of letters to staff members, expressing gratitude or appreciation.

**397 Use And Return Of Property**

Each Employee is responsible for the School's electronic equipment or other property, supplies, and vehicles in his or her possession or otherwise assigned to the Employee. It is the responsibility of Employees to understand and care for all equipment used. Report any defective, damaged, or missing equipment to your supervisor immediately. At no time should an Employee operate or use damaged or defective equipment or attempt to repair any equipment without the supervisor's approval. Observe all established safety rules and use all required safety equipment or protective wear when operating the School's equipment. At no time should the School's equipment be used for personal use. Employees will be responsible for incidents which result in damage to the School's electronic equipment or other property, supplies, and vehicles, or to the electronic equipment or other property, supplies, and vehicles of another through the Employee's own negligence or misconduct, as determined by the School. Employees will be required to either repay the obligation or to sign a written authorization for deduction from pay for the cost of the obligation until the obligation is satisfied. Immediately upon request or upon termination of an Employee's relationship with the School, all property (including but not limited to texts, manuals, key(s), equipment, access cards, credit cards, security badges, name tag, cell phones, hand held computers, etc.) and documents and records (including all copies and electronic files) shall be left with or returned to the School. The School will also take all action deemed appropriate to recover or protect its property.

See Appendix 397-A Employee Acceptance of Terms of Use and Return of Property.

See also Policy 149 Use of Cellular Telephones, Policy 232 Technology and Internet Acceptable Use (to be signed by Staff as well as Students), Policy 234 Electronic Communication Devices, and Policies 397.1-397.3.

**397.1            Use of Electronic Equipment**

To ensure that the School's electronic equipment is used only for lawful and appropriate purposes and to further its business interests, the School has adopted the following Policy which applies to all employees. Each employee and student having access to the electronic equipment of the School is required to abide by this Policy. The School will strictly enforce this Policy.

**397.2            Acceptable Uses of the School's Equipment**

Software and business equipment, including telephones, facsimile machines, computers, the School's electronic mail system, the School's Internet access, and copy machines (collectively, the "Equipment") are intended to be used for business purposes only. The Equipment is the exclusive property of the School, and its sole purpose is to facilitate the business of the School. Each student and employee has the responsibility to maintain and enhance the public image of the School and to use the Equipment in a productive and appropriate manner.

**397.3 Unacceptable Uses of the School's Equipment**

The School's Equipment may not be used for transmitting, receiving, or storage of any communications of a defamatory, discriminatory, or harassing nature, or materials that are sexually explicit, pornographic, or obscene. Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about an individual's race, sex, age, disability, religion, national origin, or physical attributes shall be transmitted through the School's Equipment. The School will not tolerate actions that may create a hostile environment. Equipment may not be used for any purpose which is illegal or against the School's policies or contrary to the School's best interest. Sensitive or confidential information respecting the School or its students or vendors should not be transmitted via the Internet or over facsimile machines without the consent of the School. Solicitation of non-School business, or any use of the School's Equipment for personal gain, is prohibited.

See also Policy 232 Technology and Internet Acceptable Use (to be signed by Staff as well as Students).

**398                    Communications**

Students and employees are responsible for the content of all information that they transmit over the School's equipment. All electronic communications must correctly identify the student or employee responsible for the communication. Any information sent to an individual outside of the School via the School's Equipment is information that reflects on the School. All communications sent by students and employees via the School's Equipment must comply with this and other School policies.

### **398.1 Software and Copyright Issues**

To prevent computer viruses from being transmitted through the School's Equipment, there will be no downloading or copying of any software onto the School's Equipment without prior approval of the School. No files of any kind will be downloaded from the Internet without prior approval of the School. License agreements relating to any software, whether individually owned or owned by the School, will be strictly complied with. Any student or employee desiring to reproduce or store information of any sort downloaded from the Internet should contact the Principal or his/her designee to determine whether the intended use is permissible. Copyright laws are very complex and can apply even to information that appears to be freely available for any use. No copyrighted material will be copied illegally on the School's Equipment or transmitted through the School's Equipment.

The Board encourages teachers and staff assigned to the School to make judicious use of appropriate printed materials, sound recordings, and electronic programs in the curriculum but recognizes that Federal law, applicable to public school districts, protects authors and composers from the unauthorized use of their copyrighted work.

The copyright law of the United States (U.S.C. Title 17) governs the making of photocopies or other reproductions of copyrighted materials. According to the copyright law, it is illegal to copy or reproduce on disk or paper, by use of school equipment or any other means, materials for which the person reproducing or the School does not own the copyright, unless the written permission of the copyright owner has been obtained, or unless the activity is within some of the limited exceptions to the copyright laws. Copyright infringement carries with it serious civil and criminal penalties under law.

Title 17, Section 107, regarding the Fair Use of copyrighted work, reads in pertinent part:

. . . [T]he fair use of a copyrighted work, including such use by reproduction in copies or photo-records or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include B:

1. the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. the nature of the copyrighted work;
3. the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. the effect of the use upon the potential market for or value of the copyrighted work.

The Principal or his/her designee is responsible for disseminating the guidelines for duplication and use of copyrighted materials to all employees. The Guidelines are contained in **Appendix 398.1-A**.

Any employee who is uncertain as to whether the reproducing or use of copyrighted materials complies with the procedures or is permissible under law shall contact the Principal or his/her designee.



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*U.S. Const. Art. I, Section 8; Copyright Act, 17 USC 101 et seq.*

See Appendix 398.1-A Copyright Guidelines.

### **398.2 Security**

No student or employee may use a pass code or voice-mail access code that has not been issued to that employee by the School. The School has the technical means, and the legal right, to monitor all office electronic mail and Internet communications sent to or from the School's Equipment. The School will exercise this right as deemed necessary by the School. There are several legitimate business reasons for the School monitoring the use of its Equipment including: (1) ensuring that the sole use of the Equipment is to further its business purposes; (2) preventing inappropriate and unprofessional comments, or even illegal activity, via its Equipment; (3) preventing and controlling the spread of viruses in its Equipment; (4) the need for supervision, control, and the efficient operation of the workplace; and (5) controlling costs.

In some respects, communication via the Internet is not completely private. For instance, certain information with regard to sender's name, receiver's name, and subject matter is tracked and recorded automatically at various stages of the transmission process. In addition to these automatic tracking features of Internet communications, the School has the added capability, as well as the right, to monitor and record all information with regard to Internet communications into and out of the School, as well as all internal e-mail communications. Despite certain equipment features that may give the appearance of creating privacy, such as passwords and the ability to delete and purge messages, students and employees have no expectation of privacy with regard to any communications or data transfer utilizing the School's Equipment. By using the School's Equipment, students and employees consent to the monitoring of their activities on the School's Equipment and forfeit any expectation of privacy.

**398.3            Violations**

Any student or employee who abuses the privilege of using the School's Equipment will be subject to appropriate disciplinary action. The School also reserves its right to advise appropriate authorities of any illegal use of the School's Equipment.

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### Employee Acknowledgment Form

I understand that this handbook does not imply or constitute a contract or employment agreement between myself and The Maritime Academy of Toledo. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

I understand that unless my written contract states otherwise, that I work at The Maritime Academy of Toledo “at will,” meaning that I am free to leave The Maritime Academy of Toledo at any time, with or without reason, and that the School has the same right to end its employment relationship with me. No one at The Maritime Academy of Toledo has authority to make a contrary agreement with me except the Principal or his/her designee.

I understand that this handbook contains general statements about current School policy, and that The Maritime Academy of Toledo retains the right to revise or modify the terms, information, policies, and benefits at its sole discretion and at any time.

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

I understand the School requirements and expectations regarding attendance and hours of work. I also realize that, when necessary, I may be assigned evening and/or weekend hours as part of my work schedule.

I understand that I should consult with my supervisor regarding any questions I may have about School policies and practices.

Employee Signature \_\_\_\_\_

Employee Name Printed \_\_\_\_\_

Date \_\_\_\_\_

Witness Signature \_\_\_\_\_

Witness Name Printed \_\_\_\_\_

Date \_\_\_\_\_

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

**SECTION 400**

**GENERAL HEALTH AND WELFARE**

**401 Health Services**

When a child is enrolled for the first time in either kindergarten or first grade:

1. Prior to November 1 of the school year, the child shall be screened for disorders in hearing, vision, speech and communication, for general health or medical problems, and for developmental disorders. This screening, or any of its elements, may be provided directly by the School or by contract with another person or governmental entity. The School may also establish a list of approved providers of screening services and request the parents to utilize one of these providers.
2. Prior to August 1 of the school year, the parents or guardians of the child must be provided with information about the screening program. If the School has determined that screening is to be obtained by the parents or guardians, it must prepare a list of providers together with information about screening services available in the community to those who cannot afford them. A parent or guardian may reject the requested screenings by signing a written statement to the effect that he/she does not wish to have his/her child receive such screening.

If the results of any health screening reveal the possibility of special learning needs, the School is required to conduct further assessment in accordance with laws regarding the education of children with disabilities.

Any child shall be exempted from the following examinations: (a) from a dental inspection if the child has been examined for dental defects by a regularly licensed dentist; (b) from a hearing test if he has been examined by a regularly licensed physician; and/or (c) from a vision test if he has been examined by a regularly licensed physician or optometrist. The parent shall provide evidence that the child was examined within the twelve (12) months immediately preceding the scheduled date of School examinations.

If the School provides hearing and vision screenings directly or by contract, the School shall:

1. Utilize methods and testing devices that are approved by the department of health;
2. Keep an accurate record of such tests and of measures taken to correct such hearing and visual defect on a form prescribed and furnished or approved by the Director of Health;
3. Make statistical data from such records available to official state and local health, education, and human services departments and agencies
4. Make individual records available to such departments and agencies only where there is evidence that no measures have been taken to correct defects determined by such tests. .

*R.C. 3313.50; R.C. 3313.673; R.C. 3313.69; R.C. 3314.03.*

**402 Use of Medications Policy**

The School shall not be responsible for the diagnosis and treatment of student illness. The administration of prescribed medication and/or medically prescribed treatments to a student during school hours will be permitted only when failure to do so would jeopardize the health of the student, or the student would not be able to attend school if the medication or treatment were not made available during school hours, and, only if a physician's request is completed. See Appendix 402-A Physician's Request for Medication Form.

In the case of an emergency, only the custodial parent can authorize treatment or designate alternative individuals to make those decisions in his or her absence. However, if all reasonable measures to contact the custodial parent and his/her designees have failed, the School may seek authorization from an involved non-custodial parent (i.e. a parent who has rights of unsupervised visitation with the child).

For purposes of this policy, "medication" shall include all medicines including those prescribed by a physician or other licensed health professional authorized to prescribe medicine and any nonprescribed (over-the-counter) drugs, preparations, and/or remedies. "Treatment" refers both to the manner in which a medication is administered and to health-care procedures which require special training, such as catheterization.

The total responsibility for dispensing or administering any medication or treatment shall rest solely with the parent(s) and their child. Before any medication or treatment may be administered to any student during school hours, the School shall require the written prescription from the child's physician with detailed instructions, written promises of the physician and the parent to forward any changes in the prescription or instructions to the school immediately upon change and to ensure delivery to the appropriate staff. This must be accompanied by the written authorization and waiver of the parent. This document shall be kept on file in the main office of the School with the secured medical files.

Only medication in its original prescription bottle labeled with the date of prescription, student's name, and exact dosage will be administered and only in the presence of another adult. Parents, or students authorized in writing by physician and parents, may administer medication or treatment but only in the presence of an adult staff member assigned for that purpose.

Only Staff Members who are licensed health professionals or who have completed a Board-approved drug administration program conducted by a licensed health professional may administer to a student a drug prescribed for the student. They may also assist a student with self-administration of medications by doing the following: (1) remind the student when it is time to take a medication and observe to ensure that the student follows the directions on the container; (2) assist the student in the self-administration of medication by taking the medication in its container from the area where it is stored and handing the container with the medication in it to the student; and (3) assist upon request by or with the consent of, a physically impaired but mentally alert student, in removing oral or topical medication from the container and in taking or applying the medication.

A licensed health professional, or a Staff Member who has completed a Board-approved drug administration program conducted by a licensed health professional, may administer any medication requiring intravenous or intramuscular injection or the insertion of a device into the body when both the medication and the procedure are prescribed by a licensed health professional



## Maritime Academy Governing Board Policies

authorized to prescribe drugs, and the nurse/Staff Member has completed any and all necessary training.

Students who may require administration of an emergency medication may have such medication, identified as stated above, stored in or by the School's office and administered in accord with this policy. The Principal or his/her designee may prepare and distribute administrative guidelines to ensure the proper implementation of this policy.

As long as the School or any person administering medication (a) is authorized by the Board to administer medication; (b) has the prescriber's signed statement; (c) has the parents signed authorization, which includes a promise to submit any changes to the prescription; and (d) the person has not acted in a grossly negligent or wonton or reckless manner, then that person shall not be liable for civil damages for administering or failing to administer medication.

Notwithstanding the above, written authorization or instructions from a health care provider are not required for the possession, use or application of nonprescription topical ointments designed to prevent sunburn, provided however, the School shall require written parental authorization for the application of sunscreen to a student by a School employee where application is not required pursuant to a student's Section 504 Plan or Individual Education Program. School employees authorized to apply sunscreen to students shall be of the same gender as the student and shall be observed by another same-gender employee during the application process. Sunscreen shall only be applied be in areas of exposed skin not otherwise covered by articles of clothing.

*R.C. 3313.711; 3313.712; 3313.713.*

See Appendix 402-A Physician's Request for Medication Form and Appendix 402-B Notice to Parents Regarding Medication Policy.

#### **402.1 Care of Students with Diabetes**

The School shall ensure that each Student with diabetes enrolled in the School receives appropriate care in accordance with orders signed by the Student's treating practitioner. Appropriate care may include any of the following:

1. Checking and recording, or assisting the Student with checking and recording, Student's blood glucose levels and ketone levels;
2. Responding to blood glucose levels that are outside of the Student's target range;
3. Administering glucagon and/or other emergency treatments, as prescribed, in the event that Student experiences severe hypoglycemia;
4. Administering, or assisting the Student in self-administering, insulin through whatever insulin delivery method the Student uses;
5. Providing oral diabetes medications as needed and prescribed;
6. Understanding recommended schedules and food intake for meals and snacks so that dosages may be calculated pursuant to the orders of the Student's treating practitioner;
7. Following any instructions regarding meals, snacks and physical activity provided by the Student's treating practitioner; and
8. Administering diabetes medication by the School nurse or by a School employee trained in diabetes care.

Diabetes medication shall be kept in a location that is easily accessible.

No Student shall be restricted from attending the School on the basis that the Student has diabetes, that the School does not employ a full-time school nurse, or that the School does not have an employee trained in diabetes care. Parents of a Student with diabetes shall not be required or otherwise pressured to provide diabetes care at the School or during School-related activities.

#### Parental Notice of Rights under Section 504

The Principal or his/her designee shall inform the Student's Parent that the Student may be entitled to a Section 504 plan regarding the Student's diabetes no later than fourteen (14) days after receiving an order signed by a Student's treating practitioner indicating that a Student has diabetes. See **Appendix 402.1-A** Sample Letter to Parents About 504 Plans.

Once notice has been given to the Parent, the School shall comply with all other policies and procedures for the development of a Section 504 plan as if the Student was any other Student with a qualifying disability.

#### School Administration of Diabetes Medication

Diabetes medication prescribed for a Student may be administered so long as all of the following conditions are met:

1. The Principal or his/her designee has a signed, written request from the Parent that the diabetes medication is to be administered, which includes a promise to submit any changes to the prescription;
2. The Principal or his/her designee receives a statement, signed by the prescriber of the medication that includes:

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- a. the name and address of the Student,
  - b. identifies the School and class in which the Student is enrolled,
  - c. states the name and dosage of the diabetes medication and the times or intervals at which the medication is to be administered,
  - d. the date administration of the diabetes medication should begin and end,
  - e. any severe adverse reactions that should be reported to the prescriber and one or more phone numbers at which the prescriber can be reached in the event of an emergency, and
  - f. any other special instructions for administration of the diabetes medication, including sterile conditions and storage; and
3. The Parent provides the diabetes medication in the original container in which it was dispensed by the prescriber or a licensed pharmacist and the container indicates that the Student is the proper recipient of any dosage of the medication.

### Student Self-Administration of Diabetes Medication

On the written request of the Student's Parent or treating practitioner, the School shall permit a Student to provide for his/her own diabetes care in accordance with the orders of the Student's treating practitioner during regular school hours and School-sponsored activities in his/her classroom, in any area of the School or school grounds, and at any school-related activity. At the request of the Student or his/her Parent, the School shall provide the Student with access to a private area for performing diabetes care tasks.

The Student shall be permitted to possess on his/her person all necessary supplies and equipment to perform such tasks at all times. If the Principal or his/her designee determines that the Student has performed any diabetes care tasks or used medical equipment for purposes other than the Student's own care, the Board or its designee may revoke the Student's permission to provide for his/her own care.

### Training

The Board may approve training that complies with the nationally recognized guidelines adopted by the Ohio Department of Education in order to instruct employees of the School who wish to be able to attend to Students with diabetes. Participation in training is voluntary. Training shall be coordinated by the School's nurse, or if the School does not employ a nurse, by a licensed health care professional with expertise in diabetes. Upon completion of the training, the Principal or his/her designee shall have the discretion to determine which employees are competent to provide diabetes care to Students.

Training shall take place prior to the beginning of each school year or as needed but not later than fourteen (14) days after the School receives an order signed a treating practitioner indicating that a Student has diabetes.

The Principal or his/her designee may distribute written notice to each employee of the School in search of employees to be trained. The notice must contain a description of the tasks to be performed, that training will be provided by a licensed health care professional, and the method of indicating interest in participating in such training. Any notice must state that participation in training is voluntary, that the employee will not be adversely affected should he/she choose not to

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participate in training, and that a trained employee will be immune from liability for their actions in providing for the care of a Student with diabetes.

The Board may approve training in the recognition of hypoglycemia and hyperglycemia and emergency response procedures for any School employee who has the primary responsibility of supervising a Student with diabetes during some portion of the school day or to any bus driver that the School employs or contracts with who is responsible for providing transportation to a Student with diabetes.

The Board shall not discourage employees from agreeing to provide diabetes care nor will employee be subject to a penalty or discipline for refusing to volunteer to be trained in diabetes care or for providing care or performing duties required to provide care for a Student with diabetes.

### Reporting

The Board shall report to the Department of Education by December 31 of each year: (1) the number of Students with diabetes enrolled in the School during the previous school year, and (2) the number of errors in the administration of diabetes medication to Students with diabetes during the previous school year.

### Immunity

Neither the School nor any member of the Board or employee of the School shall be held liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing care or performing duties pursuant to R.C. 3313.7112, unless the act or omission constitutes willful or wanton conduct. Nothing in R.C. 3313.7112 serves to eliminate, limit, or reduce any other immunity or defense that a School, member of the Board, or employee of the School may be entitled to under Chapter 2744 or any other provision of the Ohio Revised Code or under common law of the State of Ohio.

A school nurse or other licensed health care professional shall be immune from disciplinary action by the Board of Nursing or any other regulatory board for providing care or performing duties under R.C. 3313.7112 if the care provided or duties performed are consistent with applicable professional standards.

*R.C. 3313.7112; R.C. 3313.713*

See Appendix 402.1-A Sample Section 504 Notice Letter. See also Policy 228 Section 504 of the Rehabilitation Act of 1973 and Policy 402 Use of Medications.

**403 Use of Inhaler/Epinephrine Autoinjector**

A student may possess and use a metered dose inhaler or a dry powder inhaler to alleviate asthmatic symptoms, or before exercise to prevent the onset of asthmatic symptoms, and/or an epinephrine autoinjector to treat anaphylaxis at School, any School-related activity, event, or program sponsored by the School or in which the School participates, if both of the following conditions are satisfied:

- A. The student has the written approval of the student's physician and, if the student is a minor, the written approval of the parent, guardian, or other person having care or charge of the student. The physician's written approval shall include at least all of the following information:
  - 1. the student's name and address;
  - 2. the names and dose of the medication contained in the inhaler;
  - 3. the date the administration of the medication is to begin;
  - 4. the date, if known, that the administration of the medication is to cease;
  - 5. circumstances in which the inhaler and/or autoinjector should be used;
  - 6. acknowledgement that the prescriber has determined the student is capable of possession and using the inhaler and/or autoinjector appropriately and has provided the student with training in the proper use;
  - 7. written instructions that outline procedures School personnel should follow in the event that the asthma medication does not produce the expected relief from the student's asthma attack; and/or in the case of an epinephrine autoinjector, the Student is unable to administer the medication or the medication does not produce the expected relief from the student's anaphylaxis;
  - 8. any severe adverse reactions that may occur to the student using the inhaler and that should be reported to the physician;
  - 9. any severe adverse reactions that may occur to another student, for whom the inhaler is not prescribed, should such a student receive a dose of the medication;
  - 10. at least one (1) emergency telephone number for contacting the physician in an emergency;
  - 11. at least one (1) emergency telephone number for contacting the parent, guardian, or other person having care or charge of the student in an emergency;
  - 12. any other special instructions from the physician.
- B. The Principal or his/her designee has received copies of the written approvals required by Subparagraph 1 of this section.

If these conditions are satisfied, the student may possess and use the inhaler at School or at any activity, event, or program sponsored by or in which the student's School is a participant.

The School, a member of the Board or the Board's representatives, or any Staff or employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from a Staff Member's prohibiting a student from using an inhaler because of a Staff Member's good faith belief that the conditions of Subparagraphs 1 and 2 of this Section had not been satisfied. The School, a member of the Board, the Board's representatives, or any Staff or employee is not

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liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from a Staff Member's permitting a student to use an inhaler because of a Staff Member's good faith belief that the conditions of Subparagraphs 1 and 2 of this Section had been satisfied. Furthermore, when the School is required by this Section to permit a student to possess and use an inhaler because the conditions of Subparagraphs 1 and 2 of this Section have been satisfied, the School, any member of the Board, or the Board's representatives, or any Staff or employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from the use of the inhaler by a student for whom it was not prescribed.

This Section does not eliminate, limit, or reduce any other immunity or defense that a School, member of a Governing Authority, or Staff or employee may be entitled to under Chapter 2744, or any other provision of the Revised Code or under the common law of this state.

*R.C. 3314.14; R.C. 3314.141; R.C. 3313.716, R.C. 3313.718*

See Appendix 403-A Inhaler Permission Form and Appendix 403-B Epinephrine Autoinjector Permission Form.

**403.1 Procurement of Inhaler/Epinephrine Autoinjector for Emergency Use**

The School chooses not to procure or attempt to procure Inhalers and/or Epinephrine Autoinjectors (“Epi-Pens”) to be available on the premises of the School for use in emergency situations.

Should the Board decide to procure Inhalers or Epi-Pens in the future, the School will consult with a licensed health professional authorized to prescribe drugs to obtain a Prescriber-Issued Protocol and adopt a policy addressing the procurement of Inhalers and/or Epi-Pens, prior to any such procurement.

#### **404 Health Examinations and Immunizations**

##### **A. Immunizations**

Students enrolled in the School are required to have, at the time of initial entry into School and at the beginning of each School year thereafter, written evidence on file that they have been immunized against diphtheria, tetanus, pertussis, poliomyelitis, measles (rubeola), mumps, chicken pox, rubella, hepatitis B, and meningococcal disease, as required by Ohio law and applicable Ohio Department of Health (“ODH”) regulations and guidelines (collectively, “Laws”). No student may remain in School for more than fourteen (14) days after initial admission or, for a student not being initially admitted, more than fourteen (14) days after the beginning of the school year unless: (1) the student has received the required immunizations or the student is "in the process" of receiving the required immunizations, as defined in Laws and (2) the Student's Parent has submitted adequate written evidence of the required immunizations as set forth in this policy. Students who do not comply with this policy and any other immunization requirements of Laws shall be excluded from School no later than the fifteenth day after admission or, for students not being initially admitted, no later than the fifteenth day after the beginning of the school year.

##### **B. Record and Reporting**

The School shall keep an immunization record for each student, available in writing to the student's parent or guardian. No later than October 15 of each year, the School shall report a summary of the immunization records of all initial entry students to the director of health using the prescribed online reporting form, which may be accessed on the following website: <https://www.odh.ohio.gov/odhprograms/bid/immunization/schdayca.aspx>.

##### **C. Exclusion and Readmission**

In the event that (1) a Student has not received the required immunizations OR the Student is not “in the process of being immunized”, and (2) the Student's Parent has failed to submit adequate written evidence of the required immunizations as set forth in this policy, the Student shall be:

- ☐ Excluded from School until such time as the Student's Parent submits adequate written evidence that the Student has received the required immunizations or is “in the process of being immunized”, or that the Student is exempted from immunization requirements in accordance with this policy.
- ☒ Permitted to remain in School for no more than fourteen (14) days after initial enrollment in the School or, for a student previously enrolled in the School, no more than fourteen (14) days after the beginning of the school year.

Students who do not comply with this policy and any other immunization requirements of Laws shall be excluded from School no later than the fifteenth (15th) day after admission or, for students not being initially admitted, no later than the fifteenth (15th) day after the beginning of the school year.

Any Student who is admitted or commences a school year who is “in the process of being immunized”, and who does not complete the required immunizations, shall be excluded from School no later than the fifteenth (15th) day of the following school year.



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“In the process of being immunized” means the student has been immunized against mumps, rubeola, rubella, and chicken pox, and if the student has not been immunized against polio, diphtheria, pertussis, tetanus, hepatitis B, and meningococcal disease, the student has received at least the first dose of the immunization sequence, and presents written evidence to the Principal of each subsequent dose required to obtain immunization at the intervals prescribed by the Director of Health.

Any Student who is excluded for failure to comply with this policy shall be readmitted upon submission to the Principal of adequate written evidence, as set forth above, of compliance with this policy and the Laws.

### D. Exemptions

Students may be exempted from required immunizations, subject to any requirements of Laws under the following circumstances:

1. A Parent may present a written statement to the Principal of objection to immunization for reasons of conscience, including religious convictions.
2. A Parent may present a written statement signed by a physician certifying that certain or all required immunizations are medically contraindicated.
3. A Parent may present a signed statement from the Parent or physician that the student has a history of measles (rubeola), mumps, and/or chicken pox and need not be immunized against the disease(s) for which the history so exists.
4. Pursuant to ODH regulations and guidelines, a parent may present laboratory testing results signed by a physician demonstrating that detectable rubella antibody is present in the Student and the Student need not be immunized against German measles (rubella).
5. Any other circumstances required by the Laws.

The Principal may require any other evidence she/he believes is needed to consider a request for exemption and, in his/her sole discretion, may determine whether to grant an exemption under the Laws to required immunizations.

The School may deny admission to a Student otherwise exempted from the chicken pox immunization requirement, if the Director of the ODH notifies the Principal that a chicken pox epidemic exists in the School’s population. The denial of admission shall cease when the ODH notifies the Principal that the epidemic no longer exists. The academic standing of a Student who is denied admission during a chicken pox epidemic may be preserved in accordance with the admission, testing, and other policies of the School, and subject to Principal and Board approval.

### E. Tuberculosis Testing

The Board and School shall follow the requirements and recommendations of Ohio law and the ODH, if any, with regard to tuberculosis testing of students.

*R.C. 3313.67; 3313.671.*

**405                    Emergency Medical Procedures**

Serious Illness Requiring Medical Attention

If a Staff member or Student is seriously ill or injured, and needs medical attention, that Staff or Student, or any Staff or Student who believes another person is seriously ill or injured, and needs medical attention, shall notify the Principal or his/her designee or another Staff member immediately.

If a Staff member is unsure about the severity of a person's condition or unable to evaluate the situation, he/she shall call the Principal's Office and:

1. Provide the name of person who is ill or injured.
2. Indicate where the injured or ill person is located.
3. Describe the main symptoms observed.
4. Request medical assistance.
5. Indicate whether it will be necessary to call the Rescue Squad.
6. Stay with the person and do not attempt to move him or her.
7. Be sure there is a person posted to route the Rescue Squad to the ill or injured.
8. Be sure the area is clear of unnecessary traffic and on-lookers.
9. Call 911.

**406                    Emergency Medical Authorization**

The School will annually distribute to parents or guardians of all students the “Health & Fitness Parental Consent Form” and the “Emergency Medical Authorization Form.” In the event emergency medical treatment for a student is necessary, the School will adhere to the instructions on the authorization form.

Emergency Medical Authorizations will be kept in a separate, easily accessible file in the care of the Principal or his/her designee during the school year. At the end of the school year, the authorizations will be stored until being replaced the following school year.

Any time a student or a group of students are taken away from the School's facilities as participants in a school event, the staff in charge of the event must take the Emergency Medical Authorizations for those students. This includes, and is not limited to, music trips, athletic trips, field trips, and academic contest participants. This does not include student spectators at events.

Whenever it is necessary for staff members to use emergency procedures in order to care properly for a student, they are to take standard safety precautions, follow the procedures described in the Emergency Medical Procedures policy (Policy 405), and are not to abide by any “Do Not Resuscitate” (DNR) agreement that may exist for a student, unless ordered to do so by a court of law.

See Appendix 406-A Health and Fitness Parental Consent Form and Appendix 406-B Emergency Medical Authorization Form.

**407 Control of Communicable Diseases** The School recognizes that control of the spread of communicable disease is essential to the well-being of the school community and to the efficient operation of the School.

For purposes of this policy, “communicable diseases” shall include Amebiasis, Campylobacteriosis, Chickenpox, Cholera, Conjunctivitis, Cryptosporidiosis, Cyclosporiasis, Diarrhea (infectious or of unknown cause), Diphtheria, Ebola Virus, Escherichia coli (E. coli) O157:H7 or hemolytic uremic syndrome (HUS), Giardiasis, Hepatitis A, Measles, Meningitis (aseptic, and viral meningoencephalitis, but not including arthropod-borne disease), Meningococcal disease, Mumps, Pediculosis, Pertussis (whooping cough), Plague, Rubella, Salmonellosis, Scabies, Shigellosis, Smallpox, Streptococcal infection, Tuberculosis (TB), Typhoid fever, Typhus, Viral hemorrhagic fever (VHF), Yellow fever, and Yersiniosis. This list is not exhaustive and may be modified in accordance with State and Federal law.

In order to protect the health and safety of the students, school personnel, and the community at large, the School shall follow all state and federal laws and Board of Health regulations that pertain to communicable disease.

On the recommendation of a physician or a nurse, a teacher may exclude from the classroom and the Principal or his/her designee may exclude from the building or isolate in the School any student who appears to be ill or has been exposed to a communicable disease.

The School shall:

1. instruct teaching staff members in the detection of disease and measures for its prevention and control;
2. remove from School property to the care of a responsible adult any student identified and excluded in accordance with this policy;
3. prepare standards for or follow the health department of Center for Disease Control guidelines for the readmission of a student who has recovered from communicable disease; and
4. file reports as required by law and the State Department of Health.

Specific procedures outlined in the Appendices should be adhered to where applicable.

See Appendix 407-A Communicable Disease Procedure and Appendix 407-B Ebola Virus Disease Specific Procedures. See also Policies 405, 408, 409, 411, and 412.

**408 Non-Casual-Contact Communicable Diseases**

The Board seeks to provide a safe educational environment for Students. This can best be accomplished by assuring that all persons in the school community understand the method of transmission and prevention of diseases that are not contracted through air-borne pathogens, but rather through direct contact with body fluids and excretions, especially blood, vomit, feces, or urine. The Board is also committed to assuring the confidential status of individuals who may have been diagnosed with a blood-borne communicable disease.

For purposes of this policy, these diseases shall include:

1. HIV (human immunodeficiency virus);
2. AIDS (acquired immune deficiency syndrome);
3. AIDS related complex (condition);
4. HAV, HBV, HCV (Hepatitis A, B, C); and
5. other diseases that may be specified by the State Department of Health as contact communicable diseases.

The Board recognizes that Students who have contracted these diseases may not exhibit symptoms for many years after exposure and may, in fact, not be aware that they have contracted the disease. They are, however, able to transmit the disease to other individuals.

The Board directs the Principal to assure that Students who reveal the fact they have contracted one of these diseases will have their status safeguarded in accordance with federal and state statutes dealing with confidentiality and that their civil rights will be respected. Should a Student be unable to attend school as a result of illness, an alternative education program shall be provided in accordance with the Board's policy, Ohio law, and administrative guidelines.

**409 Control of Blood-Borne Pathogens**

The School seeks to protect those Staff Members who may be exposed to blood-borne pathogens and other potentially-infectious materials in their performance of assigned duties at the School.

If the School identifies a category of employee whose duties create a reasonable anticipation of exposure to blood and other infectious materials, then it shall contact its legal counsel to devise an appropriate procedure.

See also Policy 445 OSHA/Bloodborne Pathogens Exposure Control Plan and Policy 454 Hand Washing Policy.

**410 Head Lice**

When a suspected case of head lice is brought to the Principal or his/her designee's attention, the Student will be examined. If the examination detects the presence of head lice and/or nits (lice eggs) in the scalp and hair, the Student's Parents will be informed via telephone of the discovery and of the Student's exclusion from classes. Parents will be advised to remove the Student from the School for proper pediculicide treatment. The School will give Parents a copy of **Appendix 410-A** Ohio Department of Health Head Lice Information Pamphlet. If any siblings attend the School, the siblings will be examined for head lice and/or nits.

After the Student has been treated and is ready to return to School, the Student must first report to the Principal's office or school nurse's office accompanied by an adult to be examined by the school nurse or Principal or his/her designee. The Student may return to class if: [check one] ☒ the Student is free of live head lice; ~~or ☐ the Student is free of both live head lice and nits.~~ If Principal or his/her designee is not satisfied that the Student is sufficiently free of live lice and/or nits as required by this policy, the Student will be sent home with the Parents and may attempt to return to School again the following day. The Student will be re-examined for live head lice one (1) week after the Student is allowed to return to class.

When lice are detected in a classroom, the rest of the class will be examined to identify possible presence of lice or nits. When three or more students in any classroom are found to have head lice, the Principal or his/her designee shall send informative materials home with each class member.

See Appendix 410-A Ohio Department of Health Head Lice Information Pamphlet.

## **411 Infectious Disease Policy**

Viral infections may be present in human blood or other bodily fluids. Therefore, the following routine procedures should be used when providing care that will expose the care giver to human blood, bodily fluids, and excrement unless directed by emergency medical or other healthcare provider, law enforcement or fire department, or local, state, or federal official. These procedures are necessary to safeguard against caretaker infection and the spread of infection within the classroom environment.

1. The caretaker should observe good hand washing, including before and after all contact with a child suspected of being ill, after any exposure to blood, bodily fluids (urine, saliva, sweat, feces, vomit, semen, etc.), and other potentially infectious materials and/or surfaces, and before caring for another child. If hands are visibly soiled, hands should be washed using soap and water and not alcohol-based hand rubs.
2. Waterproof disposable gloves must be worn to protect against possible open lesions on the caretaker's hands.
3. If available, personal protective equipment should be worn by the caretaker to protect against possible exposure of mucous membranes where there is a threat of possible exposure to certain highly communicable diseases, such as Ebola virus disease. Additional personal protective equipment, such as waterproof disposable gloves, fluid resistant or impermeable gowns, eye protection, surgical facemasks, disposable shoe covers, and leg coverings should be worn when entering areas where a caretaker could be exposed to a potentially infectious materials and/or surfaces or a child suspected of being ill with a highly communicable disease. Caretakers should carefully remove all personal protective equipment to avoid contaminating one's eyes, mucous membranes, clothing or other surfaces with potentially infectious materials and good hand washing should be performed immediately after removal of personally protective equipment.
4. Any open lesions on the child's body must be covered.
5. Any pregnant caretaker should wear a surgical mask when providing care involving exposure to a child's excrement.
6. Surfaces soiled with blood, urine, feces, vomits, etc., must be thoroughly washed with soap and water and then be disinfected with the disinfectant agent provided (MATAR or its equivalent), used per manufacturer's recommendation.
7. Personnel cleaning the spill must wear disposable gloves and wash hands thoroughly after removal of contaminated gloves. Personnel cleaning the spill of blood, bodily fluids, or surfaces that may have come into contact with materials or a child suspected of infection with a highly communicable disease should wear all appropriate personal protective equipment (see number 3 above). Hands should be washed thoroughly after removal of contaminated personal protective equipment. Personnel should follow closely the instructions of any emergency medical or other healthcare provider, law enforcement, or fire department, or local, state, and federal public health official in cleaning a spill.
8. Mops and towels must be thoroughly rinsed in the disinfecting agent and properly stored if they are to be reused. If further use will not occur, they must be properly double bagged and disposed with other waste materials. If mops, towels, or any other materials were used in the cleaning of blood, bodily fluids, materials or surfaces that may have come into contact with materials or a child suspected of infection with a highly communicable disease then the materials should be soaked in an appropriate disinfectant with a 10% solution of



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household bleach and water (1 part bleach, 9 parts water), double-bagged in a leak proof bag, and placed in a leak proof HAZMAT container.

Specific procedures for certain highly communicable diseases outlined in these guidelines should be followed.

*49 C.F.R., Parts 171-180.*

See Appendix 407-A Communicable Disease Procedure and Appendix 407-B Ebola Virus Disease Specific Procedure. See also Policies 405, 407, 408, 409, 411, and 412.

**412 AIDS Policy**

The School will not discriminate with respect to compensation, terms, conditions, benefits, or privileges of employment against applicants and employees because they have Acquired Immune Deficiency Syndrome (AIDS), Human Immunodeficiency Virus (HIV), or related conditions, as long as the applicant or employee is able to meet work performance standards and perform essential job functions (with or without reasonable accommodation).

Recognizing the ongoing research on AIDS and such diseases as Hepatitis B, the Board maintains an ongoing commitment to educating staff, while reviewing policies to reflect the most current research. The Principal is to institute procedure to deal with infectious diseases of students which are passed through direct contact of body fluids.

Educational Commitment

The most effective way to handle the issue of venereal diseases such as AIDS and other infectious diseases is through the educational process. The first line of defense is prevention. Therefore, teachers may include material appropriate to the age and grade of the children with whom they are working, regarding the transmission of AIDS and other diseases such as Hepatitis B. If the parent or guardian of a student provides a written request to be excused from taking venereal disease instruction, then the student shall not receive the instruction.

The School will take steps needed to maintain confidentiality and to address student and employee safety issues, and will comply with all applicable laws regarding persons with AIDS, HIV, or related conditions.

See Appendix 412-A for School Procedures concerning Control of AIDS.

**413 Peanut or Other Food Allergies**

The School recognizes that food allergies, in some instances, may be severe and even life-threatening. The School has adopted this policy to create a framework for accommodating students with peanut and other food allergies and to reduce the likelihood of severe allergic reactions of students with known food allergies while at School. This food allergy policy shall be developed based on input from a committee made up of community members such as parents, school nurses, and other school employees, school volunteers, students, and community members.

Parent/Student Responsibility

1. Parents of students, or students age eighteen (18) or older, with food allergies must provide written notification to the Principal of such allergies at the beginning of each School year.
2. Parents of students with life threatening food allergies must provide the School with emergency medications, execute an Emergency Medical Authorization Form, found in **Appendix 406-B**, and cooperate with the School to formulate a Food Allergy Action Plan as described below.
3. Parents are responsible for educating their child on managing his/her food allergy at School, including, but not limited to, identifying “safe foods,” by reviewing the weekly lunch menu together, and discussing the vigilance required to self-monitor food products sold at athletic events or special student sales, foods brought for potlucks or classroom celebrations, or foods served on School-sponsored trips.

School Responsibility

1. The School must cooperate in the development of a Food Allergy Action Plan for students with life threatening allergies. The Food Allergy Action Plan must address what actions will be taken to avoid exposure at School and what actions will be taken in the event of exposure. The Plan shall be developed through consultation between the School nurse (if any) (or other School staff or person if none), the student’s parents, and the student’s physician or allergist. Once created, this Plan should be reviewed and updated annually by the School, the student’s parents, and the student’s physician or allergist.
2. The School will share the Food Allergy Action Plan developed with appropriate School staff.
3. With the consent of the student’s parents, a Food Allergy Action Plan may provide a mechanism for the School to notify the student’s classmates and/or a student’s classmates’ parents of a life threatening food allergy in the classroom.

*R.C. 3313.719*

See Appendix 413-A Food Allergy Notification Form. See also Policy 403 Use of Inhaler/Epinephrine Autoinjector; Policy 406 Emergency Medical Authorization; and Policy 453 Wellness Policy.

#### **414 Bed Bug Infestations**

When a suspected bed bug is found on a Student or their belongings, the Principal or his/her designee shall follow these guidelines:

1. Discreetly remove the child from the classroom so the School nurse (if any) or a qualified individual can perform an inspection of the child's clothing and other belongings (including but not limited to: shoes, jackets, hats, books, backpacks, school supplies, etc.). See **Appendix 414-A** for Parental Consent to Search Child for Bed Bugs form. Place any of the child's unneeded items, such as book bags, into a large plastic bag and tightly seal the bag. If the School has a washer or dryer available, the School may wish to wash and dry the clothing on the high heat setting. If a bed bug is found on a student or his/her belongings, send home the Bed Bug Inspection Report letter contained in **Appendix 414-B**.
2. Check areas where the Student sits or affected belongings may be placed for extended periods of time. Bed bugs are excellent hitchhikers and, though they only feed on humans and rapidly retreat, they can be found in many locations.
3. Try to collect the specimen(s) using a tissue or a piece of gauze. Try not to crush the bugs. Multiple specimens can be very helpful in identification of the insect. If submitted insects are missing antennae, legs, or body segments, a precise identification often cannot be made. Do not call undue attention to any child. You may destroy other bugs found after submission by placing them in a sealed bag and disposing the bag in the trash. **VERY IMPORTANT:** If a specimen is found on a Student or the Student's belongings, remove the specimen as instructed above. The parents are to be notified by the Principal or his/her designee, if the specimen is a confirmed bed bug. Students should not be excluded from school due to bed bugs.
4. Listed below are two services available to identify insects. Please do not send live specimens via any postal or shipping service as insects can escape during shipment. Keep in mind, the post office will not deliver packages that leak. Be sure to check the websites for proper submission protocols.
  - The Ohio Department of Health (ODH) offers free service to Ohio residents: [http://www.odh.ohio.gov/odhPrograms/dis/zoonoses/vbdp/vb\\_dref.aspx](http://www.odh.ohio.gov/odhPrograms/dis/zoonoses/vbdp/vb_dref.aspx).
  - The Ohio State University offers services for a small fee: <http://www.ppdcc.osu.edu>.
5. Once received by the pest diagnostic agency, an entomologist will examine the specimen and then notify the School of the bug's identification with two days of receipt.
6. After positive identification, the Principal or his/her designee should provide the School community with the following information:
  - Parent or Guardian notification letter (See **Appendix 414-C**)
  - Resources and additional information are available on Central Ohio Bed Bug Task Force web site at <http://www.centralohiobedbugs.org>.
7. Contact the parents or guardian to inform them of the bed bug presence on their child.
  - Suggest clean, freshly laundered (on high heat setting) and sealed change of clothing be sent to School (as long as needed).

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- Send only essential items to School with the Student and inspect items upon arrival at School. If possible, the School could offer to keep non-essential items overnight to help ensure the items are bed bug free.
  - Suggest keeping School items sealed in a plastic bag or tote at home and limit items going back and forth from home to School until infestation is treated.
8. Ongoing pest management should be overseen by the Principal or his/her designee.
9. When the decision is made that pesticides are going to be applied at the School for the control or prevention of bed bugs, the School should verify that their employee, or the pest control company hired, is properly licensed to apply pesticides.
- A list of licensed pest control companies and applicators can be found at [www.agri.ohio.gov/apps/odaprs/pestfert-PRS-searchindex.aspx](http://www.agri.ohio.gov/apps/odaprs/pestfert-PRS-searchindex.aspx).
  - Ask the company about their experience and methods for bed bugs. Bug bombs are not effective.
10. Vacuuming procedures to follow where bed bugs are found:
- Vacuum affected areas where bed bugs are found during normal after-school cleaning schedule, including floor and baseboards.
  - Sprinkle about 1/4 to 1/2 cup of talcum powder on the last section of floor to be vacuumed.
  - Remove the bag and place in a tightly sealed plastic garbage bag for disposal.
  - Do not use the same vacuum bag if moving to an uninfested area.

Information taken from Central Ohio Bed Bug Task Force ([www.centralohiobedbugs.org](http://www.centralohiobedbugs.org)).

**415 Use of Animals in the Classroom or on School Premises**

The use of animals in classrooms and on the School premises is permitted in order to support the educational mission of the School.

Animals may provide a variety of productive learning experiences for students at almost every level. The following guidelines should be observed when instituting an activity or program involving the use of animals.

- A. Students who will be in the classroom during activities with animals have submitted a completed an Animals in the Classroom and on School Premises Parent/Guardian Information and Consent Form which can be found in **Appendix 415-A**.
- B. Students are to be instructed not to bring personal pets to School at any time without approval of the Principal. Pets must be accompanied by the student's parents.
- C. It is permissible for the class to have one (1) or more animals as classroom pets with the permission of the Principal under the following conditions:
  - 1. the animal is not venomous or vicious;
  - 2. arrangements have been made for housing the animal safely, comfortably, cleanly, and in a manner that does not disrupt the classroom environment;
  - 3. arrangements have been made for the proper care of the animal when School is not in session;
  - 4. rules have been established and understood regarding when and how the animal is to be treated by the students.
- D. When animals are to be brought into the School or classroom as part of a lesson or series of lessons, all of the conditions stated above apply, and in addition, the teacher is to ensure the proper pick-up and return of the animal.
- E. If a dog or cat is brought into the school, it must have all of its vaccinations/shots up to date and proof shall be submitted to the school office.

**SECTION 420**

**PERSONAL SAFETY**

**421                    Dangerous Weapons**

Any visitor found possessing a weapon or other device designed to inflict serious bodily harm on School premises or on property being used by the School for School purposes may be charged with a felony. This restriction applies to visitors licensed to possess firearms unless serving as an authorized security officer or unless the Governing Authority has provided them with written authorization to convey or possess deadly weapons or dangerous ordnance in(to) the school safety zone. This policy does not apply to law enforcement personnel or state or federal officers, agents, or employees who are authorized to carry a deadly weapon or dangerous ordnance and are acting within the official duties of such position.

The Principal or his/her designee shall ensure that any visitor possessing a weapon or other device designed to inflict serious bodily harm is reported immediately to the appropriate law enforcement agency.

A weapon may be brought on School property for educational purposes under controlled circumstances when authorized by the Principal or his/her designee.

*20 USC 7151; R.C. 2923.122.*

See also Policy 333 Weapons in the Workplace and Appendix 333-A Notice Regarding Weapons in the Workplace.



**422                    Public Conduct on School Property**

No person shall assault, strike, threaten, or menace a teacher, instructor, or person in charge of a class of students, or any employee while in the performance of their duties, or disrupt, disturb, or interfere with any activity conducted in or on the School premises, or unlawfully assault, strike, threaten, menace, follow, pursue, or lay hands upon a student or other person in or on the School premises, or on the way to or from School or School-sponsored activity.

School officials have the authority to call a law enforcement officer if any individual violates this policy or other posted regulations, or does not leave School property when requested to do so.

**423 Facility Security**

It is in the best interest of the School to protect the School's facility adequately. The areas, buildings, and equipment owned or leased by the School may be protected from theft and vandalism in order to maintain the optimum conditions for carrying out the educational programs.

The Principal or his/her designee shall develop and supervise a program for the security of the School facility and equipment. Such a program may include video surveillance equipment in appropriate public areas in and around the School.

Every effort shall be made to hold accountable those who knowingly cause serious physical harm to the School facility and to require such persons to rectify the damage or pay a fee to cover repairs. A reward may be offered for apprehending such persons.

Appropriate authorities may be contacted in the case of serious offenses.

The Principal or his/her designee shall report to the Board each major case of vandalism at the School and the extent of the damage

See also Policy 424 Emergency Preparedness and Evacuation; Policy 428 Bomb Threat Policy; and Policy 447 School Emergency Management Plan.

#### **424                    Emergency Preparedness and Evacuation**

The safety of Staff and Students includes preparedness and planning for possible natural and manmade disasters.

The Board authorizes a system of emergency preparedness which shall safeguard the health and safety of Students and Staff.

All threats to safety shall be identified by appropriate personnel and responded to promptly in accordance with the plan for emergency preparedness.

All bomb threats shall require the immediate evacuation of the school building or location threatened. See Policy 428 Bomb Threat Policy.

The Principal or his/her designee shall develop procedures for the handling of school emergencies which include:

1. A schedule that allows for the routine practice of school safety procedures that will occur at least monthly while the school is in session through a combination of safety drills and fire drills;
2. An annual training session for employees of the School regarding the procedures for conducting safety drills and fire drills;
3. An annual test of the School's emergency management plan and procedures for reporting results of the test to the Department of Education;
4. A plan for the prompt and safe evacuation of any School building that shall be practiced at least six (6) times in fire drills conducted in accordance with law, if the School has smoke detectors or a sprinkler system in all classrooms of the School. If the School does not have smoke detectors or a sprinkler system in all classrooms, then fire drills must be conducted at least nine (9) times per year in accordance with the law. See **Appendix 424-A**;
5. A plan for the safe dispersal of students from School property and for the sequestration of students in the School, in response to a threat involving an act of terrorism, a person in possession of a dangerous ordinance, or other violent situation, which shall be practiced at least three (3) times in safety drills, with at least one (1) drill requiring pupils to practice securing in the School rather than evacuating. All safety drills shall be conducted in a manner consistent with the School's Emergency Management Plan and shall be made in conjunction with the police chief or other similar chief law enforcement officer in the jurisdiction in which the School resides;
6. A plan to conduct one (1) theoretical safety drill to provide instruction to faculty and staff regarding procedures. The theoretical drill does not require student participation and may be conducted during annual training sessions on safety procedures;
7. The designation of appropriate locations to shelter students in case of a tornado;
8. Instructions in safety precautions to be taken in case of a tornado alert or warning and a plan for the prompt and safe procedure to shelter students in case of a tornado which shall be practiced at least one (1) time per month while school is in session during the "tornado season" of April 1 to July 31 conducted in accordance with law;
9. Design of a communications system;

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10. Procedures to follow whenever any employee becomes aware of an emergency or impending emergency;
11. Cooperation with such local officials and agencies such as the fire marshal and law enforcement, including a procedure for providing at least seventy-two (72) hours written notice to local law enforcement prior to conducting each school safety drill; and
12. Procedures for the Principal or his/her designee to provide a written record to the police chief or similar law enforcement officer of the jurisdiction in which the School is located certifying the date and time each safety drill was conducted in the prior school year and the anticipated date of each drill during the current school year, no later than December 5 of each school year.

*R.C. 3737.73; R.C. 3313.536; OAC 3301-5-01; OAC 1301: 7-7-04.*

See **Appendix 424-A Safety and Health Plan Emergency Drills, Appendix 424-B Emergency Drill Log, Appendix 424-C Sample Emergency Drill Calendar.** See also **Policy 428 Bomb Threat Policy.**

#### **424.1 Student Suicide**

The School recognizes that a Student with self-destructive and suicidal thoughts poses a danger both to himself/herself and to other students and School faculty and staff. The School shall incorporate training in youth suicide awareness and prevention into in-service training required under Ohio law. Each person employed as a nurse, teacher, counselor, school psychologist, or administrator must undergo training at least once every two years.

The School may provide appropriate instruction on personal safety and assault prevention to all students in grades kindergarten through 6. Beginning with the 2023-2024 school year, the School may provide at least one hour or one standard class period per school year of evidence-based instruction for students in grades 6-12 in each of the following topics:

- Suicide awareness and prevention;
- Safety training and violence prevention; and
- Social inclusion.

Students may be excused from instruction in these areas upon written request from the parent.

All School personnel, including teachers and School staff, should be watchful of a Student who exhibits signs of unusual depression or threatens or attempts suicide. Any such signs or the report of such signs from another student or persons familiar with the Student outside of the School should be taken seriously.

Where any teacher or School staff member reasonably suspects that a Student may be self-destructive or exhibiting signs of unusual depression, the teacher or staff member should report all concerns to the Principal or his/her designee and/or School counseling services, including a School Guidance Counselor. The School should also take all reasonable steps to alert a Student's parent or legal guardian of any concerns related to threats or attempts to commit suicide.

The School shall immediately notify the public Children's Services Agency or local law enforcement agency if, in the course of contact, the parent or guardian refuses to acknowledge the Student's suicidal intent and indicates no plan to act for the safety of the Student, or if the parent is unavailable to be consulted.

If it is believed that a Student poses immediate risk to himself/herself or others, the Principal or his/her designee or a School counselor should immediately contact necessary local emergency medical and law enforcement agencies and the Student's parent or legal guardian. The School shall ensure that all emergency protocols are followed when the Principal or his/her designee determines that it is necessary to initiate such procedures.

Throughout any intervention, it is essential that Board policies and School guidelines regarding confidentiality be observed at all times.

The School should take all reasonable steps to provide a Student with information related to suicide prevention including **twenty-four hour suicide prevention hotlines available via telephone at 1-800-273-8255**.

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**425                    Use of Equipment**

Portable electric equipment must be handled carefully to avoid damage. Flexible electric cords connected to equipment should not be used for raising or lowering the equipment. Flexible cords must not be stapled or hung in a fashion that could damage the outer jacket or insulation.

Portable cord- and plug-connected equipment as well as extension cords must be visually inspected for external defects and internal defects before use.

A flexible cord used with grounding-type equipment must contain an equipment grounding conductor.

In highly conductive work areas, such as those inundated with water or other conductive liquids or job locations where employees or students are likely to come in contact with water or conductive liquids, the location must be approved if portable electrical equipment and flexible cords will be used.

If energized equipment is being used, employees or student's hands must not be wet when plugging and unplugging flexible cords and cord- and plug-connected equipment.

Insulating protective equipment must be used to handle energized plug and receptacle connections if there is any chance that the connection could provide a conducting path to the employee's hand.

See **Appendix 425-A** General Safety Procedures.

**426                    Accidents to Students**

Every accident in a School facility, on School grounds, at practice sessions, or at any event sponsored by the School must be reported immediately to the person in charge and to the Principal or his/her designee. An accident report must be completed for each accident. Accident forms are available in the School.

See **Appendix 426-A** Form for Reporting Accidents to Students.



**427                   Visitors, Volunteers, and Guests**

The Board welcomes and encourages visits to School programs by parents, other adults, and interested educators. But in order for the educational program to continue undisturbed when visitors are present and to prevent the intrusion of disruptive persons, it is necessary to invoke visitor controls. All visitors, including parents and volunteers, must report to the School office upon entering the School building and sign the guest register. This procedure has been adopted for the safety of our students and staff. Children from other schools may not visit during the school day. Exceptions may be made at the Principal or his/her designee's discretion for families who are considering enrollment.

The Principal or his/her designee has the authority to prohibit the entry of any person, including but not limited to parents, other adults and/ or educators, to a program of the School or to expel any person when there is reason to believe the presence of such person would be detrimental to the good order of the program. If such an individual refuses to leave the School grounds or creates a disturbance, the Principal or his/her designee is authorized to request from the local law enforcement agency whatever assistance is required to remove the individual.

The Principal or his/her designee may promulgate such administrative guidelines as are necessary for the protection of students and staff from disruption to the educational program or the efficient conduct of their assigned tasks.

All volunteers (both new and current) having unsupervised access to students on a regular basis are hereby notified that the School may at any time require a set of fingerprints for purposes of making a criminal records check. If a criminal records check is conducted on a volunteer, and the records check reveals one of the prohibited violations, the School may no longer utilize the volunteer in a position involving unsupervised access to children on a regular basis, unless a notice is sent out to the parent or guardian of each child served by the School. The notice must be in writing, name the volunteer and indicate that the volunteer has been convicted of or entered a guilty plea to one or more of the prohibited violations. The notice must be sent to the parent or guardian on the date the School commences providing services to the child or on the date the School decides to accept the person as a volunteer after receiving the report of the result of the criminal records check, whichever is later.

*R.C. 109.575*

**428 Bomb Threat Policy**

A bomb threat may be received by phone, mail or a personal message.

Any Staff receiving a bomb threat by phone should ask the caller to give the message to the Principal or his/her designee. If the caller refuses, then the Staff person who received the call should attempt to engage the caller in conversation on the phone. The Staff member should obtain as much information as possible as suggested on the Bomb Threat Form and obtain the nearest person's attention so that the Principal can be notified. Staff should make an effort to contact the Police on another outside line and have a tracer place on the caller if time permits.

If the building is to be evacuated and Staff should notify all building occupants of the decision to evacuate.

Staff should account for all building occupants at the determined evacuation point, and report any missing individuals to Principal and the emergency responders.

Staff should note unusual or unfamiliar objects as they evacuate and report such objects to the Principal. **NO STAFF SHOULD TOUCH OR MOVE SUCH OBJECTS.**

To the extent practicable without causing delay, all interior doors should remain open to minimize possible structural and compression damage. This instruction does not apply to a lock-down situation.

See Appendix 428-A Bomb Threat Form and Call Checklist. See also Policy 424 Emergency Preparedness and Evacuation, Policy 429 Crisis Media Situations; and Policy 447 School Emergency Management Plan.

**429 Crisis Media Situations**

Any School crisis such as injury, school bus accident, or suicide should be reported to the Principal or his/her designee immediately along with as many details, names, etc. as possible.

In a crisis situation, it is important to have one person providing facts to the media, and ideally only after parents have been notified. No one is to report the nature or extent of injury at any time.

Depending on the situation, the Principal or his/her designee will go immediately to the site. A building employee should be present also for parental contact and incoming inquiries.

No reporter should be allowed to roam freely in a crisis situation. He/she should be personally escorted to a designated area, and not allowed to video and interview students who are injured or in an otherwise crisis situation.

See also Policy 145 Media Policy, Policy 424 Emergency Preparedness and Evacuation, Policy 428 Bomb Threat Policy, and Policy 447 School Emergency Management Plan.

**430            AED and CPR Training**

Beginning with the 2017-2018 school year, the School shall provide training in the use of an automated external defibrillator (“AED”) and cardiopulmonary resuscitation (“CPR”) for all employees, including coaches and an athletic supervisors, except that the School shall not be required to provide training to substitutes; persons employed on an as-needed, intermittent or seasonal basis; or adult education instructors who are scheduled to work the full-time equivalent of less than 120 days per school year.

All employees shall complete training no later than July 1, 2018, and must training in complete both AED use and CPR at least once every five (5) year period thereafter. Employees may voluntarily elect to complete CPR and AED training at their own expense through an independent provider, so long as the training is consistent with those provided by the School and the employee presents a certificate of completion to the Principal. The School may elect to include AED training in its in-service training required under Ohio law.

Instruction shall also be offered to students in grades nine (9) to twelve (12), including instruction on the hands-on skills necessary to perform CPR and use an AED. Students who are incapable of performing the psychomotor skills necessary to perform CPR or use an AED shall be excused from CPR and AED instruction.

The School shall utilize either: (a) an instructional program developed by the American Heart Association or the American Red Cross, that includes instruction in CPR and the use of an AED; or (b) any other nationally recognized instructional program that is based on the most current, evidence-based emergency cardiovascular care guidelines for CPR and AEDs.

Notwithstanding the above, the School shall not be required to provided AED or CPR instruction or training if the School is an internet- or computer-based community school, or is a community school in which the majority of enrolled students are children with disabilities.

*R.C. 3313.6023; R.C. 3313.6021.*

**SECTION 440**

**ENVIRONMENTAL HEALTH AND SAFETY**

#### **441 OSHA/PERRP Compliance/Risk Reduction Program**

The School believes that the employees and students of the School, as well as visitors, are entitled to function in an environment as free from hazards as can reasonably be provided. In this regard and in accordance with law, the School will provide reasonable and adequate protection to the lives, safety, and health of its employees and students, in compliance with all applicable federal and state laws and regulations.

##### Public Employment Risk Reduction Program (PERRP) Compliance\*\*\*

The Principal or his/her designee shall be responsible for the maintenance of standards in the facilities to prevent accidents and to modernize their consequences. She/he shall designate an employee who shall conduct periodic audits of health and safety conditions within the facilities of the School and take appropriate action on any violations thereof to the Principal or his/her designee.

The Principal or his/her designee shall ascertain that the employees and students of the School are aware of their rights to an environment free of recognized hazards, that they are properly trained in safety methods, that protective devices and equipment are available to meet safety standards, and that proper rules and records are maintained to meet the requirements of the law and the regulations of PERRP.

The Principal or his/her designee shall post and keep posted a notice informing employees of the protections and obligations provided under PERRP. The Principal or his/her designee shall annually post on February 1 and keep posted until April 30 a copy of the summary of all work-related incidents from the following year. Postings shall be in a conspicuous place where notices to employees are customarily posted.

The Principal or his/her designee shall comply with any mandatory recordkeeping requirements. Such records shall include the following:

1. An incident report for all work-related injuries and illnesses, which shall be completed no later than six (6) working days after receiving information that a recordable incident has occurred (**Appendix 441-A**);
2. An incident report for any employee death or the in-patient hospitalization of three (3) or more employees due to a work-related incident, which shall be completed within ten (10) days of orally reporting the death or in-patient hospitalization to PERRP (**Appendix 441-A**);
3. A log and summary of all work-related injuries and illnesses, which shall be updated as early as practicable following the injury or illness, but no later than six (6) working days after receiving information that a recordable injury or illness has occurred (Log available at **Appendix 441-B**, Summary available at **Appendix 441-C**);
4. A record of public employee exposure to potentially toxic and/or carcinogenic materials and/or harmful physical agents that are required to be monitored under any Ohio Public Employment Risk Reduction Standard (**Appendix 441-D**); and
5. A record of all incidents where a public health care worker employed by the School is exposed to blood or other material potentially containing bloodborne pathogens through a needlestick or other sharp (**Appendix 441-E**).

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Records shall be maintained on a calendar year basis and shall be retained for at least five (5) years following the end of the year to which the records relate. All records required to be maintained shall be made available for inspection by the Ohio Bureau of Workers Compensation and any employee, former employee, or employee representative for examination and copying at reasonable times.

The following mandatory reporting requirements shall be complied with by the Principal or his/her designee:

1. The School shall submit the annual summary of all work-related injuries and illnesses no later than February 1 of the following year to which the records relate;
2. The School shall orally report the incident within eight (8) hours after the death of any employee or the in-patient hospitalization of three or more employees as a result from a work-related incident, or within eight (8) hours of learning of the death or in-patient hospitalization; and
3. The School shall submit the sharps injury form within ten (10) business days of any incident where a public health care worker employed by the School is exposed to blood or other material potentially containing bloodborne pathogens through a needlestick or other sharp.

All reports shall be made to:

Public Employment Risk Reduction Program  
Division of Safety and Hygiene  
13430 Yarmouth Drive  
Pickerington, OH 43147  
Fax: 614-621-5754  
Phone: 614-644-2246 or 800-671-6858

Website: <https://www.bwc.ohio.gov/employer/programs/safety/sandhperrp.asp>

In the event an inspection is made by a representative of the State, the Principal or his/her designee shall report the results thereof to the Board at the meeting following the receipt of the State report.

### Occupational Safety and Health Administration (OSHA) Compliance

The School believes that the employees and students of the School, as well as visitors, are entitled to function in an environment as free from hazards as can reasonably be provided. In this regard and in accordance with law, the School will provide reasonable and adequate protection to the lives, safety, and health of its employees and students, in compliance with Federal and State laws and regulations.

The Principal or his/her designee shall be responsible for the maintenance of standards in the facilities to prevent accidents and to modernize their consequences. She/he shall designate an employee who shall conduct periodic audits of health and safety conditions within the facilities of the School and take appropriate action on any violations thereof to the Principal or his/her designee.

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The Principal or his/her designee shall comply with any mandatory reporting requirements. Such reporting shall include reporting to OSHA (a) within eight (8) hours, the death of an employee as a result of a work-related accident, and (b) within twenty-four (24) hours, the in-patient hospitalization, amputation, or loss of an eye of an employee as a result of a work-related accident. The School shall maintain any injury or illness records that may be required by OSHA and shall provide access to employees, former employees, or appropriate representatives consistent with OSHA regulations.

All staff members have the right and obligation to report work-related injuries or illnesses. Employers, including the School or Management Company, are prohibited from discharging or in any manner discriminating against employees for reporting work-related injuries or illnesses.

Staff members shall complete an incident report (**Appendix 441-A**) for all work-related injuries and illnesses within six (6) working days after receiving information about a recordable incident, injury, or illness. If an injury or illness has latent symptoms and is not immediately apparent, the staff member shall complete an incident report within six working days of identification of the injury or illness.

The Principal or his/her designee shall post and keep posted a notice informing employees of the protections and obligations provided under OSHA as required by law (see **Appendix 441-F**). Postings shall be in a conspicuous place where notices to employees are customarily posted and all copies of the posting shall be at least 8.5 x 14 inches in size with at least 10 point type.

The Principal or his/her designee shall ascertain that the employees and students of the School are aware of their rights to an environment free of recognized hazards, that they are properly trained in safety methods, that protective devices and equipment are available to meet safety standards, and that proper rules and records are maintained to meet the requirements of the law and the regulations of OSHA. In the event an inspection is made by a representative of OSHA, the Principal or his/her designee shall report the results thereof to the Board at the meeting following the receipt of the State report.

\*\*\*Note regarding this policy: the Board shall comply with the Public Employment Risk Reduction Program and Occupational Safety and Health Administration requirements for all Board employees. However, School staff members employed by a management company are subject only to OSHA requirements and are not subject to PERRP requirements provided above.

*R.C. 4167 et seq.; OAC Chapter 4167; 29 CFR 1903.2; 29 CFR 1904.2; 29 CFR 1904.35; 29 CFR 1904.39*

See Appendices 441-A-F. See also Policy 343 Reporting Accidents.



**442                   Property, Equipment and Supplies**

It is necessary for everyone to utilize property, supplies, and equipment in the course of doing their jobs. Staff should take care of these items and should know how to use them properly. Damaged equipment should be reported to the Principal or his/her designee immediately so that it can be repaired.

The Board requires Staff and Students to be economical, in part, by turning off unnecessary lighting, turning off appliances and other equipment not in use, closing doors and windows that allow cool or warm air to escape, not running water needlessly, and reporting to Principal or his/her designee, any unnecessary use of water, gas, or electrical power. A small amount of waste by each employee or student equals a large amount of waste overall. The ability to save time and materials can contribute to the overall success of the School.

#### **443 Hazard Communication Program**

The Principal or his/her designee will provide information about chemical hazards and other hazardous substances and how to control those hazards in the Hazard Communication Program.

The Program includes the following objectives:

1. Container labeling;
2. Material Safety Data Sheets; and
3. Employee Information and Training.

The following program outlines how the School will accomplish these objectives.

##### Container Labeling

It is the policy of the School that no container of hazardous substances will be released for use until the following label information is verified:

1. Containers are clearly labeled as to the contents;
2. Appropriate hazard warnings are noted; and
3. The name and address of the manufacturer is listed.

The responsibility for label verification has been assigned to the Principal or his/her designee. To further ensure that employees are aware of the hazards of material used, it is the School's policy to label all secondary containers. The School shall not remove or deface existing labels on incoming containers of hazardous chemicals, unless the container is immediately marked with the required information.

The responsible staff shall ensure that all secondary containers are labeled with either an extra copy of the original manufacturer's label or with generic labels which have a block for identity and blocks for the hazard warning.

##### Material Safety Data Sheets (MSDS)

Copies of MSDS for all hazardous substances to which employees and students may be exposed are kept in each area where the substances are used as well as in a book in the School office. The Principal or his/her designee will be responsible for obtaining and maintaining the data sheet system.

The Principal or his/her designee will review incoming MSDS for new and significant health/safety information. She/he will see that any new information is passed on to the employees.

MSDS will be reviewed for completeness by the Principal or his/her designee. If an MSDS is missing or obviously incomplete, a new MSDS will be requested from the manufacturer. MSDS will be available to all employees in their work area for review. If MSDS are not available or new hazardous substance(s) in use do not have MSDS, please contact the Principal or his/her designee immediately.

##### Staff Information and Training

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Staff will attend a health and safety orientation set up by the Principal or his/her designee, for information and training on the following:

1. An overview of the requirements contained in the Hazard Communication Regulation, including their rights under the Regulation;
2. The details of the written Hazard Communication Program, including the location and availability of the Program, list of hazardous substances, and MSDS;
3. Information on the hazardous substances within the School;
4. Measures staff may take to lessen or prevent exposure to these hazardous substances through usage of control plans, work practices, emergency procedures, and personal protection equipment;
5. Methods and observations that the School may use to detect the presence of, and to lessen or prevent exposure to, these substances;
6. How to read labels and review MSDS to obtain appropriate hazard information.

When new hazardous substances are introduced, the Principal or his/her designee will call a meeting and distribute information related to the new material.

### Hazardous Substances

Information on all hazardous substances within the School can be found in the MSDS book located in the School office.

### Hazardous Non-Routine Tasks

Periodically, staff are required to perform hazardous non-routine tasks. Prior to starting work on such projects, each affected employee will be given information by the Principal or his/her designee, or the affected employee shall request such information, about hazards to which they may be exposed during such an activity.

This information will include:

1. Specific hazards;
2. Protective/safety measures which must be utilized;
3. Measures the School has taken to lessen the hazards including ventilation, respirators, presence of another employee and emergency procedures.

*42 U.S.C. 9601 et seq.; 29 CFR §1910.1200; OAC 3701-54; R.C. 4167 et seq.*

#### **444 Toxic Hazards and Asbestos Hazards**

The School is concerned for the safety of the students and staff members and will comply with applicable Federal and State statutes and regulations to protect them from hazards that may result from industrial accidents beyond the control of School officials or from the presence of asbestos materials used in previous construction.

Toxic Hazards. These hazards exist in chemicals and other substances used in the school setting such as in laboratories, science classrooms, kitchens, and in the cleaning of rooms and equipment.

The Board appoints the Principal or his/her designee to serve as Toxic Hazard Preparedness (THP) Officer. The THP Officer will conduct a training program for all School employees to include such topics as detection of hazards, explanation of the health hazards to which they could be exposed in their work environment, and the School's written Hazard Communication Plan.

In fulfilling these responsibilities, the THP Officer may enlist the aid of county and municipal authorities and, if possible, the owners or operators of identified potential sources of toxic hazard.

Asbestos Hazards. In its efforts to comply with Asbestos Hazard Emergency Response Act (AHERA), the School recognizes its responsibility to:

1. inspect School buildings owned by the School for the existence of asbestos or asbestos-containing materials;
2. take appropriate actions based on the inspections;
3. establish a program for dealing with friable asbestos, if found;
4. maintain a program of periodic surveillance and inspection of facilities or equipment containing asbestos; and
5. comply with EPA and State regulations governing the transportation and disposal of asbestos and asbestos-containing materials.

The Principal or his/her designee shall appoint a person to develop and implement the School's Asbestos Management Plan which will ensure proper compliance with Federal and State laws and the appropriate instruction of staff and students. At least once each school year, the School will notify parent, teacher, and employee organizations of the availability of the School's Asbestos Management Plan and any asbestos-related actions taken or planned in the School.

The School shall also ensure that, when conducting asbestos abatement projects, each contractor employed by the School agrees to comply with all applicable laws and regulations.

Nothing in this policy should be construed in any way as an assumption of liability by the School or by the Board for any death, injury, or illness that is the consequence of an accident or equipment failure or negligent or deliberate act beyond the control of the School, the Board or its officers and staff or employees.

*20 U.S.C. 4011 et seq.; 15 U.S.C. 2641 et seq.; 42 U.S.C. 9601 et seq.; 40 CFR 763.93; R.C. 4167.01 et seq.*

**445 OSHA/Bloodborne Pathogens Exposure Control Plan**

Exposure Control Plan

The Principal or his/her designee shall develop and implement an Exposure Control Plan to minimize or eliminate occupational exposure to bloodborne pathogens in accordance with the OSHA Bloodborne Pathogens Standard, 29 C.F.R. 1910.1030, and the Ohio Employment Risk Reduction Standards as amended. Universal precautions shall be observed to prevent contact with blood, bloody body fluids, or other potentially infectious materials. If differentiation between types of body fluids is difficult or impossible, the body fluids shall be considered potentially infectious materials.

The Exposure Control Plan must be readily available to all employees and their representatives. Personnel within each job category listed in the Exposure Control Plan shall be trained annually in and will be responsible for practicing the procedures outlined in the Exposure Control Plan in the event of exposure to bloody body fluids. Training for staff provided at no cost and during working hours. The Principal or his/her designee shall document the date, attendance and contents of each training session which shall be retained for three (3) years.

Annual Review and Update

The Principal or his/her designee shall review and update the Exposure Control Plan at least annually and whenever necessary to reflect new or modified tasks and procedures that affect occupational exposure and to reflect new or revised employee positions with occupational exposure. Such review must take into account technological developments that reduce the risk of exposure to bloodborne pathogens.

The Principal or his/her designee must annually document consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure. The Principal or his/her designee must also solicit input from non-managerial employees responsible for student care who are potentially exposed to injuries from contaminated sharps in the identification, evaluation, and selection of effective work practice controls, and such solicitation must be documented in the Exposure Control Plan.

*29 CFR 1910.1030*

See **Appendix 445-A** OSHA Model Exposure Control Plan

**446                    Prevention of Lead Poisoning**

Exposures to lead in doses much smaller than previously thought represent a definable risk to children's health and their ability to learn.

The School will attempt to control the use and maintenance of lead-bearing building products and avoid the use of any educational or maintenance procedures or products which may create lead exposures.

The School assures that a parent or guardian outreach program will be implemented to properly communicate information regarding risks from lead and other heavy metals in an attempt to help prevent exposures, by including an informational packet similar to that in **Appendix 446-A**.

*R.C. Chapter 3742.*

See Appendix 446-A.

**447 School Emergency Management Plan**

The Principal or his/her designee with supervisory authority shall examine the environmental conditions and operations of each School building under his or her supervision to determine potential hazards to student and staff safety, and shall propose operating changes to prevent dangerous circumstances and develop and adopt a comprehensive school emergency management plan to respond to such hazards (“EMP”). The EMP shall consist of four parts: (i) the emergency operations plan; (ii) a floor plan that is unique to each floor of the School’s building; (iii) a site plan that includes all building property and surrounding property, and (iv) an emergency contact information sheet. The Principal shall consult with community law enforcement and safety officials, parents, and School employees when developing the EMP, and shall list the name, title (if applicable), contact information and signature of all participating parties in the final EMP.

Emergency Operations Plan

The emergency operations plan shall be contained in a single document designed to address and respond to all-hazards that may negatively impact the School, at minimum including the following events: an active shooter event; a hostage situation; a bomb threat; an act of terrorism; bullying; and any other natural or manmade hazards that the Principal or his/her designee knows of or should reasonably anticipate occurring that could compromise the health or safety of students, employees, administrators or property based on the results of a hazard identification and risk analysis for the School. The hazard and risk analysis shall also be included with the emergency operation plan.

The emergency operations plan shall be an all-hazards plan in compliance with the National Incident Management System (“NIMS”) and plan operations shall be organized around five mission areas. These include:

1. Prevention: meaning the capabilities needed to deter, stop or avoid an imminent crime, threat or actual mass casualty event;
2. Protection: defined as the capabilities to secure the School against manmade and natural disasters, acts of violence, or other ongoing hazards;
3. Mitigation: meaning the capabilities needed to eliminate or reduce property damage, injury or loss of life by minimizing the impact of an emergency event and decreasing the likelihood of hazardous events;
4. Response: means the capabilities necessary to stabilize an emergency once it has already happened or is certain to occur in an unpreventable way by establishing a safe and secure environment in order to save lives and property; and
5. Recovery: meaning the capabilities necessary to restore a learning environment after an emergency situation.

Each protocol shall include procedures deemed appropriate by the Principal or his/her designee with supervisory authority for responding to threats and emergency events, respectively, including procedures for the notification of appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing parents of affected students. When approved by the Ohio Building Code and noted in the School’s certificate of occupancy, the emergency operations plan may also include the use of temporary door locking devices to prevent ingress and egress in emergency situations or during active shooter drills.

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The emergency operations plan shall incorporate education procedures, including procedures that involve the use of training drills, to instruct students, staff and administrators on methods to avoid, deter, or stop an imminent crime or safety issue.

Prior to the opening day of each School year or upon initial enrollment, whichever is later, the Principal or his/her designee with supervisory authority shall inform each student enrolled in the School and the student's parent of the parental notification procedures included in the EMP.

### EMP Test

The Principal or his/her designee with supervisory authority shall prepare and conduct at least one annual emergency management test, defined as a regularly scheduled drill, exercise, or activity that is designed to assess and evaluate an emergency management plan. The emergency management test shall be either:

1. A tabletop exercise held in an informal setting to discuss of various issues regarding a hypothetical, simulated emergency;
2. A functional exercise conducted in a realistic, real-time environment designed to validate and evaluate the School's emergency capabilities by exercising plans, policies, and procedures through a projected exercise scenario with event updates that drive activity at the management level; or
3. A full-scale exercise involving multiple agencies, organizations, and jurisdictions in order to test and validate the School's many facets of preparedness.

Each exercise type shall be used at least once every 3 years, and shall assess at least one hazard identified in the School's hazard and risk analysis. At least one representative from the local law enforcement agency, fire department, emergency medical services agency or behavioral health entities shall be invited to participate in or observe the emergency management test; however, actual observation or participation by any outside entities shall not be required. Students shall not be included in emergency management tests unless the School has received parental consent, and it is determined by the Principal or his/her designee that the student's participation would be beneficial to the School and would be appropriate given the student's age and understanding of the test's purpose.

The Principal or his/her designee with supervisory authority shall submit an after action report documenting the emergency management test to the Ohio Department of Education no later than thirty (30) days after the test is completed. See **Appendix 447-A**.

The School shall also conduct routine safety drills, including at least one (1) theoretical drill, to provide students and staff with instruction on securing in the building or rapidly evacuating in response to a threat to the School involving an act of terrorism a person possessing a deadly weapon, or another act of violence requiring an immediate response.

The EMP shall be submitted electronically using the standardized forms developed by the Department of Education. The Principal or his/her designee with supervisory authority shall review the EMP annually by July 1 and certify to the Department of Education that the plan is current and accurate. The EMP shall be updated and revised at least every three (3) years from the previous date of compliance. The Principal or his/her designee with supervisory authority must also submit an updated electronic copy of the EMP to the Department of Education whenever a major



## Maritime Academy Governing Board Policies

modification to the School building necessitates changes in the EMP's procedures or whenever the emergency contact information changes. Updated copies are due to the Department within ten (10) days of the adoption of any changes to the EMP. A copy of the EMP shall also be filed with each law enforcement agency having jurisdiction over the School building(s). Upon request, the EMP will be filed with the fire department and emergency medical service organization serving the political subdivision or county, respectively, in which the building is located.

The Principal or his/her designee with supervisory authority shall keep copies of this EMP in a secure place. Copies of the EMP and information pertaining to the School's safety protocols are not public records and shall be exempt from public disclosure or release in accordance with the Ohio Public Records Act.

The School will grant access to School buildings so that law enforcement personnel, the fire department for the political subdivision, emergency medical service organizations for the political subdivision, and emergency management agencies for the county in which the building is situated may hold emergency response training sessions. The training sessions must occur outside of student instructional hours, and the Principal or a designee of the School must be present during the sessions.

### Threat Assessment

Beginning with the 2022-2023, if the School serves any of the grades 6-12, the School shall establish a multidisciplinary Threat Assessment Team ("TAT"), comprised of a School administrator, and when possible, mental health professionals, school resource officers, and other necessary personnel. Upon appointment, and every three (3) years thereafter, each member of the TAT shall complete a threat assessment training approved by the Department of Public Safety, which shall include instruction on the following:

- Identifying behaviors, signs and threats that may lead to a violent act;
- Determining the seriousness of a threat; and
- Developing intervention plans that protect potential victims and address underlying problems or conflicts that initiated the behavior and assessment results.

Proof of training shall be uploaded with the EMP.

The TAT shall conduct a threat assessment to minimize the risk of targeted violence at the School. The TAT shall utilize an evidence-based threat assessment process or best practices threat assessment guidelines created by the national threat assessment center (including the joint U.S. Secret Service and U.S. Department of Education publication, Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates for identifying, assessing, and managing students who may pose a threat). The results of the threat assessment shall be used to develop a Threat Assessment Plan ("TAP"), which shall be incorporated into the EMP and shall do at least the following:

- Identify the types of threatening behavior that may represent a physical threat to the School community;
- Identify individuals to whom threatening behavior should be reported and steps to be taken by those individuals;
- Establish threat assessment guidelines, including identification, evaluation of the seriousness of a threat or danger, intervention to reduce potential violence, and follow-up to assess intervention results; and

## Maritime Academy Governing Board Policies

- Establish guidelines for coordinating with local law enforcement agencies and reports collected through the School's anonymous reporting tip-line, including identification of a point of contact.

Board employees, volunteers, and other school community members, including students and parents, shall immediately report to the Principal any expression of intent to harm another person or other statements or behaviors that suggest a student may intend to commit an act of violence. Nothing in this policy overrides or replaces an individual's responsibility to contact 911 in an emergency. In the event that the Principal or his or her designee learns of a threat of violence or concerning communications or behaviors that indicate the likelihood of a threatening situation, the TAT will be directed to meet to gather information, evaluate facts, and make a determination as to whether a threat of violence exists. If the TAT determines that there is a specific risk of violence, the TAT may collaborate with interested parties to develop and implement a written plan to manage or reduce the threat posed by the student in that situation. Regardless of threat assessment activities or protocols, disciplinary action and referral to law enforcement shall occur as required by State law and Board policy.

The TAT shall maintain student confidentiality as required by the Family Educational Rights and Privacy Act ("FERPA"), including in conformity with the health or safety emergency exception to FERPA permitting disclosure of student information to appropriate parties to address a health and safety emergency.

Notwithstanding any other immunity or defense available, the School, Board, and employees, including the members of the TAT shall not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from a TAT member's execution of duties related to school safety unless the team member's act or omission constitutes willful or wanton misconduct.

### Anonymous Reporting Tip-Line

The School shall register with the SaferOhio school tip line operated by the Ohio Department of Public Safety or enter into an agreement with an anonymous reporting program that is capable of the following:

- Operates 24 hours a day, seven days per week; and
- Forwards all reported information to and coordinates with the appropriate school Principal, threat assessment teams (once established) and law enforcement.

The School shall promote the availability of the anonymous reporting tip-line.

The School will maintain a log of reported tips, including demographic information about the student subject to the report, and any disciplinary or mental health actions and/or referrals made for the subject student.

*R.C. 3737.73(D); R.C. 3314.03(A)(11)(d); R.C. 3313.669; R.C. 3313.6610; R.C. 5502.6262; R.C. 5502.263; O.A.C. 3301-5-01.*

See also **Policy 423 Facility Security, Policy 424 Emergency Preparedness and Evacuation; Appendix 424-A Emergency Management and Health Plan Emergency Drills, Policy 428 Bomb Threat Policy, Policy 429 Crisis Media Situations, and Appendix 447-A Data Collection Worksheet: Information for EMT (Emergency Management Test) Entry Into SAFE Account.**

**448                    School Health and Safety Inspections**

School inspections, designed to identify conditions within the School and School building that may be injurious to the safety or health of building occupants, will be conducted at least semiannually by the local board of health, according to standards set by the local board of health.

If the local board of health serves an order upon the School to abate nuisances or correct conditions detrimental to health or well-being which are found upon School property, the person responsible for upkeep of the property shall abate the nuisance or condition within such reasonable fixed time as is set by the local board of health.

The School shall periodically review its policies and procedures to ensure the safety of students, employees, and other persons using the School building from any known hazards in the building or on building grounds that, in the judgment of the School, pose an immediate risk to health or safety. The School shall further ensure that its policies comply with all federal laws and regulations regarding health and safety applicable to school buildings.

The School shall at all times have in place a Chemical Hygiene Plan and an Asbestos Management Plan in accordance with federal law.

*R.C. 3313.86, 3707.03, 3707.26, 29 CFR 1910.1450, 15 USC 2651 et seq.*

See Appendix 448-A Chemical Hygiene Plan. See also Appendix 269-A No Smoking Sign; Policy 402 Use of Medication; Policy 409 Control of Blood Borne Pathogens; Policy 429 Crisis Media Situation; Policy 444 Toxic Hazards and Asbestos Hazards; Appendix 444-A Asbestos Management Plan; and Policy 447 School Emergency Management Plan.

#### **449 Prior Notification of Pesticide Application**

Faculty, staff, and parents of students may request and receive prior notifications of scheduled pesticide applications that occur on or in the classroom buildings of the School when School is in session that involve one or more of the following products:

- Manufactured paste or gel baits;
- Paraffin-based rodent control products placed in industry-identified tamper-resistant bait stations;
- Termite-baiting stations;
- Rodenticides which are placed in wall voids or other areas that are inaccessible to humans and domestic animals; or
- Dusts used in unoccupied areas of the structure.

The method of notification may include regular mail, email, or listserv, as determined by the Principal.

If special circumstances arise that prevent prior notification from being provided as required, such as emergency application of pesticides to control organisms that pose an immediate health threat, the School shall provide notice as soon as possible. The notice shall explain the reasons why advance notice was not provided.

The Principal shall serve as contact person for pesticide applications made at the School. The School shall maintain the following records for inspection during normal school hours by parents or guardians of minor children, adult students, faculty, and staff who are enrolled or employed at the School, or the Department of Agriculture:

1. For a pesticide application described in this policy or any other application for either the longer of four hours or the minimum time specified by the label of the pesticide applied prior to the beginning of the school day; at a time after the school day has concluded; or when school is not in session under the calendar established by the local school board:
  - Date and time that the pesticide was applied;
  - Treatment area;
  - Target pests;
  - Brand name and EPA registration number of the pesticide applied; and
  - The time or conditions for re-entering the treatment area as specified by the label of the pesticide applied, if any is specified.

The School will retain such records for a period of one year following the date of application.

2. Documentation that the School provided notifications requested by faculty, staff, and parents of students under this policy.

*O.A.C. 901:5-11-15*

**SECTION 450**

**FOOD SAFETY**

**451 Food Services**

All students will remain at school for lunch and will not be allowed to leave the School or any recreation areas or common areas without permission, or, if the School authorizes leaving the School for lunch, all students shall follow the School's procedures and rules. Supervision of student activity in the lunchroom, recreation or common areas shall be the responsibility of the teacher or staff member in charge who may delegate this authority to others.

Any food service program provided or contracted for by the Board shall comply with Federal and State regulations pertaining to the counting, menus, selection, preparation, consumption, and disposal of food and beverages as well as to the fiscal management of the program. The contracted food service program shall be responsible for the planning as well as for the dietary and nutritional requirements of the meals served.

If the School engages a food service management company ("FSMC") to manage its food service operations, the School shall:

1. Retain signature authority and control of the quality, extent, and general nature of the food service and prices to charge children for meals, by monitoring the FSMC's compliance with any contract;
2. Ensure that all federally donated foods received by the School and made available to the FSMC accrue only to the benefit of the School and fully utilized therein;
3. Establish an advisory board or committee composed of parents, teachers, and students to assist in menu planning, which the FSMC shall participate on;
4. Conduct periodic on-site monitoring of the FSMC;
5. Document monitoring activities of the FSMC and retain records of monitoring efforts;
6. Ensure that the FSMC complies with all relevant health inspection regulations, including health inspection requirements in the School's contract with the FSMC; and
7. Conduct an annual reconciliation to verify that the full value of credits for USDA foods is received by the School and retain records of such reconciliation.

No person shall be excluded from participation in, be denied the benefits of, or otherwise be subject to physical segregation or other discrimination under any program or activity for which the School receives federal financial assistance for food and nutrition services on the bases of race, color, national origin, age, disability, sex, gender identity, or income. No student shall be denied access to meals or milk as a disciplinary action, either directly or indirectly.

Students eligible for free or reduced-price meals shall not be identified by the School through the use of separate cafeteria entrances, separate meal service lines, or use of any other method likely to result in the identification of such students. The names of students eligible to receive free or reduced-price meals or free milk shall not be published, posted, or announced under any circumstances. Meals served to students eligible to receive free or reduced-price meals shall be the same meals as those served to students paying full price. Under no circumstance shall an eligible student be required to work for his or her meal.

Governmental regulations do not permit serving meals at the student price to staff or other adults.

If the School is a food service operator, then it is required to post a sign at all hand washing sinks used by food employees notifying them to wash their hands. See **Appendix 451-A**.

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The Principal or his/her designee shall submit a public release each school year informing the general public that the School participates in federal food service programs and providing information about free and reduced price meals. The School is not obligated to pay to publish the release, but the Principal or his/her designee must submit the release for publication to the media and to organizations in the School's geographic area that reach minority or under-represented groups, such as libraries, food pantries, and community action program agencies. The School must document the dates and locations of all media release submissions, including unsuccessful publication attempts. See **Appendix 451-B**.

Any school publication, including the School's website that refers to any federal food service program or to the United States Department of Agriculture (USDA) must include the following statement:

"In accordance with Federal civil rights law and the U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.) should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, S.W.  
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7742; or
- (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider."

If the publication material is too small to permit the full statement to be included, the material will, at a minimum, include the following condensed statement, in print size no smaller than the text: "USDA is an equal opportunity provider and employer."

The School shall prominently display the USDA "And Justice for All" poster in a location accessible to food service program participants. The poster must be 11" by 17." The Principal or his/her designee may obtain copies of the poster by contacting the USDA Midwest Regional Office

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at 77 West Jackson Boulevard, 20th Floor, Chicago, Illinois 60604-3057, or by calling (312) 353-6557.

*R.C. 3717.42; OAC 3717-1-06.2(E); 7 C.F.R. 210.16.*

See Appendix 451-A Hand Washing Poster and Appendix 451-B Sample Public Release



#### **451.1 Unpaid Meal Charges**

The School believes that all students should have access to healthy school lunches and wishes to minimize identification of students with insufficient funds, but recognizes the need to protect the financial stability of the school nutrition program. The School, as a school food authority, has established the following procedures, which will be implemented beginning in the 2017-2018 school year, (a) to handle situations in which a student eligible for reduced-price or full-price meal benefits has insufficient funds to pay for school meals, and (b) to collect unpaid meal charges and delinquent account debt.

Parents and students shall continue to comply with any and all School requests and procedures regarding pre-selection of meals, if applicable.

##### Unpaid Meal Charge

Students who qualify for free meals will not be denied a reimbursable meal even if they have previously accrued a negative balance. However, in these circumstances, students may be prohibited from purchasing a la carte or extra items. Students with unpaid meal charge debt who attend School with money to pay for a reduced-price or full-price meal at the time of that meal's service must be provided a meal, even if that student has accrued a negative balance. The School will not use the money intended to purchase a day's meal for repayment of a negative balance or other unpaid meal charge debt.

If a student does not have funds to pay for a reduced-price or full price meal at the time of that meal's service, the student [check one]:

- ☒ 1. may charge the meal to the student's meal account, if meals are available. The student may charge up to 1 meal(s) or \$3.00. Students who charge a meal will receive a reimbursable meal. ~~However, the School may limit the entrée choice to a less expensive option.~~
- ☐ 2. may charge an alternative meal to the student's meal account, if alternative meals are available. The alternative meal items must be priced individually, meet Smart Snacks requirements, and accommodate special dietary needs. The student may charge up to \$\_\_\_\_\_.
- ☐ 3. may receive an alternative meal from the School at no cost to the student, if alternative meals are available. This meal does not need to meet Smart Snacks requirements, but must accommodate special dietary needs. The meal cost must be funded from a non-federal source.
- ☐ 4. may not charge a meal to the student's meal account and will not receive a meal that day.

The School will notify the parent in writing if a student's meal account falls below \$5.00. This notification will include the amount of any low or negative balance, expected payment date, consequences of non-payment, and information regarding where families can find assistance with applying for free and reduced-priced meals.

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### Collection of Delinquent or Bad Debt

The School shall consider debt delinquent and shall request payment ten (10) school days after the date in which the School provides parental notice of a student's negative account balance. The Business Manager or his/her designee will work directly with households to collect any delinquent meal charge debt and shall be responsible for managing charges and delinquent debt owed to the School. At the Business Manager or his/her designee's discretion, the School may establish repayment plans for the collection of debt. Delinquent debt and repayment plans may carry over to the next school year.

If the Business Manager or his/her designee determines that delinquent debt is uncollectible at the end of the school year, the debt will be considered "bad debt." Bad debt may not be carried over to the next school year. Bad debt must be restored to the School and Nutrition Program from the general fund prior to the end of the same fiscal year. Bad debt may not be recovered using federal funds.

### Notification

The School will communicate this policy in writing to all students and households at the beginning of each school year and upon a change in a student's eligibility for meal benefits. Forms and information regarding free or reduced price lunch shall be available at the School office, and the Business Manager or his/her designee shall be available to answer questions regarding the meal program and any unpaid meal charge debt. The School shall not disclose the identities of students eligible for free or reduced-priced meals except to those individuals who require that information to carry out an activity authorized by the National School Lunch Act, 42 U.S.C. 1751.

### Community Eligibility Provision

Notwithstanding the above, if the Schools is a Community Eligibility Provision (CEP) provider, the School shall provide reimbursable meals for breakfast and lunch to all students free of charge.

*Richard B. Russell National School Lunch Act, 42 U.S.C. 1751.*

**451.2 Return of Unused Food Service Funds**

At the end of each academic year, or upon the withdrawal of any student, the School will reconcile the amount of money paid by parents for food services with the actual number of meals purchased by students. If, at that time, it is determined that a parent has paid for more meals than were actually purchased by the student, the School will attempt to contact parents to determine the return of funds. Parents must elect in writing to do one of the following upon notice that unused funds remain in a student's account:

1. Carry over remaining funds to be credited towards student's account for the purchase of meals during the next school year;
2. Request reimbursement of any remaining funds; or
3. Donate the remaining funds to the School to cover the unpaid meal charges of other students that were uncollectable.

Parents must make this election within 90 days of the date of notice from the School, after which time the School will first attempt to credit the funds to the student's account for the purchase of meals during the next school year, or, if this is not possible, the School will assume the remaining funds to have been donated to the School. If the School is a tax exempt entity, the School will issue a receipt acknowledging the parent's donation and will treat the funds in the same manner as all other donations.

Notwithstanding the above, households approved for free- or reduced-price meals shall be reimbursed for any unused funds remaining in a student account at the end of the academic year or at such time as the student is no longer enrolled in the School.

*Richard B. Russell National School Lunch Act, 42 U.S.C. 1751.*

**452 Free and Reduced-Price Meals**

The School recognizes the importance of good nutrition to each student's educational performance.

The School shall provide eligible needy students with breakfast and/or lunch at a reduced rate or no charge to the student. Children eligible for free and reduced-price meals shall be determined by the criteria established by the Child Nutrition Program and National School Lunch Act. These criteria are issued annually by the Federal government through the State Department of Education.

The Board designates the Principal or his/her designee as the responsible party to determine the eligibility of students for free and reduced rate meals. Eligibility determinations may be appealed to the Principal or his/her designee at a formal hearing held pursuant to any applicable federal and state hearing procedures.

The School shall not overtly identify children receiving free and reduced price meals. No person shall be excluded from participation in, be denied the benefits of, or otherwise be subject to physical segregation or other discrimination under any program or activity for which the School receives federal financial assistance for food and nutrition services on the bases of race, color, national origin, age, disability, sex, gender identity, or income. See Policy 451 Food Services.

The School shall annually notify all interested persons of the availability, eligibility requirements, and application procedure for free and reduced rate meals by distributing an application to the family of each student enrolled in the School.

The Principal or his/her designee shall prepare and implement the necessary arrangements and guidelines to ensure proper operation of this program. She/he shall ensure that the appropriate policy attachments for Free and Reduced-Price Meals or Free Milk are properly completed and submitted for approval to the School Food Service Division of the Ohio Department of Education by the beginning of each School year.

*42 USC 1751; 7 C.F.R. 245.*

See Appendix 452-A Appeal Hearing Procedures; Appendix 452-B Application to Receive Free and Reduced-Price Meals; and Appendix 452-C Parental Notice of Availability of Free and Reduced-Price Meals. See also Policy 451 Food Services.

## **453 Wellness Policy**

The School believes that healthy students are more likely to successfully complete their formal education. The School recognizes that it plays an important role in the development of students' health and nutrition habits by providing nutritious meals and snacks, supporting the development of good eating habits, and promoting increased physical activity.

The Board sets forth the following goals in an effort to enable students to establish good health and nutrition habits:

### Nutrition Promotion and Education Goals

- The School shall provide for interdisciplinary, sequential skill-based health education that that supports hands-on classroom activities that promote health and reduce obesity.
- Nutrition and healthy living skills shall be integrated into classroom curriculum when appropriate.
- Students in grades pre-K-12 shall receive nutrition education that is interactive and teaches the skills they need to adopt healthy eating behaviors.
- Nutrition education shall be offered and promoted in the School cafeteria as well as in the classroom with coordination between the foodservice staff and teachers.
- Nutrition education and promotion information will be shared with parents and the community.

### Physical Education and Activity Goals

- Students shall be provided opportunities for physical activity during the school day through physical education classes, daily recess periods for elementary students, and the integration of physical activity in the classroom.
- Physical education classes shall stress physical fitness, encourage healthy, active lifestyles and consist of physical activities as part of the curriculum.
- Physical activity will not be used as a form of discipline or punishment.
- Physical activity and promotion information will be shared with parents and the community.
- The School shall encourage parents and the community to support physical activity, to be physically active role models, and to include physical activity at events.

### Other School Based Activities

- School based activities shall promote student wellness and, if appropriate, shall encourage nutrition and physical education.
- Nutrition shall be considered when planning school-based activities such as classroom snacks, fundraisers, etc.
- The School will provide students with a clean and safe environment and adequate time for eating meals.

### Nutrition Guidelines

- In accordance with the School's Food Standards Policy, the food service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages sold in the School.

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- Any food provided outside of the food service program, but not sold during the school day on the School premises, shall align with the goals and standards stated in this Wellness Policy.
- Marketing of foods and beverages at the School during the school day shall be limited to those foods and beverages that meet the standards set forth in the School's Food Standard Policy. The Board reserves the right to further limit marketing of food and beverages.
- The food service program will provide all students affordable access to a variety of nutritious foods.

### Implementation and Evaluation

- The Principal shall ensure that the School implements, complies with, and annually evaluates this Policy.
- The School will consult with administrators, board members, parents, students, community members, school health professionals, physical education teachers (if applicable), or representatives of the school food authority. The committee will be provided the opportunity to participate in the development, implementation, periodic review, and update of the Policy. In developing or updating goals, the committee will review and consider evidence-based strategies and techniques.
- At least once every three (3) years, the School will measure the implementation of this Policy, focusing specifically on the extent to which the School has complied with the Policy, the extent to which the Policy compares to model local wellness policies, and the extent to which the School has progressed toward achieving its stated goals in the Policy. The School will create a written assessment for each periodic measurement that it will disseminate to students, their families, and other members of the community or post on its website. The School will make appropriate modifications to this Policy, if necessary, based on this assessment.
- At the start of each school year, the School will disseminate this Policy and information about its implementation to families of school children and other members of the community or post it on its website and will notify such individuals of changes to the Policy in the same manner.

The School shall retain documentation demonstrating compliance with this Policy, including requirements related to community involvement, triennial assessments of this Policy, and public dissemination of this Policy and any updates thereto.

*42 U.S.C. 1758b; 42 U.S.C. 1771; 7 CFR 210.31; R.C. 3313.814; R.C. 3313.816; R.C. 3313.817*

See also Policy 455 Food Standards Policy and Appendix 455-A Nutritional Standards for Food and Beverages.

## **454 Handwashing Policy**

Handwashing and personal hygiene are important measures for use to prevent illness and communicable disease. Handwashing with soap and warm water for a minimum of ten (10) seconds, paying close attention to the surfaces between the fingers and on the back of the hands, is best for removing dirt and germs. The proper use of hand sanitizers is also useful in controlling the spread of germs.

### School Food Authorities

1. Train any individual who prepares or serves food on proper handwashing. Training may include viewing a handwashing video and demonstrating proper handwashing procedure.
2. Post handwashing signs or posters in a language understood by all school food authorities near all handwashing sinks, in food preparation areas, and restrooms. See **Appendix 451-A** for a sample Handwashing Poster.
3. Use designated handwashing sinks for hand washing only. Do not use food preparation, utility, and dishwashing sinks for handwashing.
4. Provide warm running water, soap, and a means to dry hands. Provide a waste container at each handwashing sink or near the door in restrooms.
5. Keep handwashing sinks accessible anytime employees are present.
6. Wash hands:
  - Before starting work
  - During food preparation
  - When moving from one food preparation area to another
  - Before putting on or changing gloves
  - After using the toilet
  - After sneezing, coughing, or using a handkerchief or tissue
  - After touching hair, face, or body
  - After smoking, eating, drinking, or chewing gum or tobacco
  - After handling raw meats, poultry, or fish
  - After any clean up activity such as sweeping, mopping, or wiping counters
  - After touching dirty dishes, equipment, or utensils
  - After handling trash
  - After handling money
  - After any time the hands may become contaminated
7. Follow proper handwashing procedures as indicated below:
  - Wet hands and forearms with warm, running water (at least 100° F) and apply soap.
  - Scrub lathered hands and forearms, under fingernails and between fingers for at least 10-15 seconds. Rinse thoroughly under warm running water for 5-20 seconds.
  - Dry hands and forearms thoroughly with single-use paper towels.
  - Dry hands for at least 30 seconds if using a warm air hand dryer.
  - Turn off water using paper towels.
  - Use paper towel to open door when exiting the restroom.
8. Follow FDA recommendations when using hand sanitizers. These recommendations are as follows:

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- Use hand sanitizers only after hands have been properly washed and dried.
- Use only hand sanitizers that are permitted for such use by an effective Food Contact Substance Notification.
- Use hand sanitizers in the manner specified by the manufacturer.

### Monitoring:

The Principal may designate an employee or an independent contractor/food service provider to visually observe the handwashing practices of the food school authorities at any random time during hours of operation. In addition, the designated person will visually observe that handwashing sinks are properly supplied during hours of operation.

### Corrective Action:

Employees or food service contractors who are observed not washing their hands at the appropriate times or using the proper procedure will be asked to wash their hands immediately.

When soap and water are not available and hands are not visibly soiled, waterless disposable hand wipes or gel sanitizers may be used in place of hand washing.

A food service employee or contractor may be disciplined, up to and including termination for failure to adhere to this Policy.

See Appendix 451-A Hand Washing Poster.



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### **454.1            Illness Exposure Management of Food Service Employees**

All current food service employee, or potential employee to whom a job offer has been made, shall report any known or suspected illnesses that are transmissible through food. Reports must be made to the food service supervisor or the Principal or his or her designee prior to beginning the preparation or service of food.

Employees and potential employees shall be temporarily restricted from food service duties or excluded from the School if the individual experiences any of the following:

1. Vomiting, diarrhea, jaundice, sore throat with fever, or open and draining wounds, unless the wound is covered by appropriate and/or impermeable covering;
2. Is diagnosed by a health care provider with an illness due to campylobacter, cryptosporidium, cyclospora, entamoeba histolytica, enterohemorrhagic or shiga toxin producing E. Coli, giardia, hepatitis A, norovirus, salmonella spp., salmonella typhi, shigella, vibrio cholerae, or yersinia ("Reportable Illnesses"); or
3. Was exposed to an outbreak of any of the Reportable Illnesses, or works or resides in the same household as an individual who is known to have been exposed to or diagnosed with a Reportable Illness.

Employees and potential employees may be permitted to return to food service duties when the individual is no longer symptomatic, or when the individual presents evidence from a health care provider or the Ohio Department of Health that he or she does not pose a threat to public health.

Compliance with this policy is mandatory and failure to abide by this policy may subject an employee or potential employee to discipline, up to and including discharge.

*O.A.C. 3717-1-02.1.*

-----  
I have read and understand the above stated expectations and agree to abide by them.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Employee Name: \_\_\_\_\_

**455 Food Standards Policy**

The Board shall create standards for the types of food and beverages sold or provided in the School and the time and place each type of food and beverage is sold or provided, in accordance with state law and based on the following guidelines:

- A. The types of food and beverages sold in the School will
  - 1. promote student health and reduce childhood obesity,
  - 2. significantly benefit the daily nutritional needs of students (per U.S. Department of Agriculture guidelines),
  - 3. align with School Wellness Policy (Policy 453) requirements, and
  - 4. follow requirements provided under state and federal law.
- B. The Board or its designee shall consult with a licensed dietitian, a registered dietetic technician or a certified/credentialed school nutrition specialist to assist in drafting a plan:
  - 1. for complying with and enforcing the nutritional standards governing the types of food and beverages that may be sold on the School premises in compliance with State law; and
  - 2. specifying the time and place each type of food or beverage may be sold.

**See Appendix 455-A Nutrition Standards for Food and Beverages.**
- C. The times and locations of food and beverage sales to students on school grounds will be assigned based on nutrient intake needs and eating patterns of students and align with class schedules. With regard to non-breakfast/lunch food and beverage sales:
  - 1. The School will not operate vending machines offering foods or beverages that do not meet the nutritional standards established by the School during the school lunch period. The Board reserves the right to totally restrict the sale of non-nutritional foods and beverages in vending machines.
  - 2. Bake sales and other school fundraising activities involving food and beverage items may not be held during a school meal period. The School will limit the frequency of bake sales and other food based fundraisers where non-nutritional foods and beverages will be sold based on the standard established by the Department of Education.
- D. The types of food and beverages provided, but not sold, to students will align with the School Wellness Program and any applicable requirements provided under state law. The Board may provide parents with a list of acceptable snacks that may be provided in the School.
- E. Annually, the food services supervisor shall review and report the School's compliance with these standards to the Board and to the Ohio Department of Education. The Board may establish separate standards regulating the types of food and beverages to be sold to Staff Members and for special or extracurricular events.

This policy applies to the sale or provision of foods from the midnight before the school day until 30 minutes after the end of the regular school day on school premises. School premises, for the purpose of this policy, include any areas of property under the School's jurisdiction that is accessible to students during the regular school day.

*7 C.F.R. 210.10-210.11; 7 C.F.R. 210.31(c)(2)-(3); 7 C.F.R. 220.8; R.C. 3313.814; R.C. 3313.816; R.C. 3313.817; OAC 3301-91-09; USDA Smart Snacks in School nutrition guidelines.*