

May 14, 2015

Via Electronic Mail Only

Columbus Humanities Arts & Technology Academy

Attn: Board of Directors

c/o Pete Shears, Board President

pshearsjr@aol.com

Re: May Policy Update

Dear Board:

Please see the enclosed model policies and appendix that we have updated pursuant to changes in state and federal education laws. Summaries of these policies and appendix changes follow below.

Ethics and Conflicts Policy Update: House Bill 10, enacted by the Ohio General Assembly last fall, expanded the scope of ORC 2921.44 (dereliction of duty) to include community school fiscal officers and treasurers who were previously exempt from this provision. This section of the Revised Code also encompasses fiscal officers employed by an operator. State law now disqualifies a community school fiscal officer from holding any public office for four years from the time of conviction if he or she has been found to be guilty of dereliction of duty. A fiscal officer is also prohibited from holding public office while he or she owes any outstanding restitution or repayment as ordered by a court. The attached policy replaces the existing Ethics and Conflicts Policy, located at or around policy number 114, after a Board vote.

Student Enrollment Records Policy Update: We have updated our Records Upon Enrollment policy, located at or around policy number 241.2, to reflect changes made to ORC 3313.672. State law now prohibits schools from denying admission to a child who resides in a foster home or residential facility solely because the child is unable to present a birth certificate upon enrollment. The child's parents have up to 90 days to provide a birth certificate or one of five enumerated alternatives documenting the child's date and place of birth. The attached version, once adopted, will replace the existing version in your policy notebook.

Positive Behavioral Interventions and Supports: Previously, community schools were not required to implement Positive Behavioral Interventions and Supports, but we recommended that schools adopt a PBIS policy anyway to avoid inherent risks associated with restraint and seclusion. This fall, the Ohio General Assembly affirmatively imposed this requirement upon community schools. This policy provides a few additional clarifications. Therefore even if you

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adopted this policy last year, you should adopt the revised version to replace any existing versions.

Emergency Drills Policy Update: ORC 3737.73 now requires schools to conduct additional “safety drills” to prepare students to respond to expanded and specific events including, acts of terrorism, school shootings, or other violent situations. Schools must now conduct at least six fire drills and three safety drills annually. In addition, schools must conduct one tornado drill per month during the annual tornado season. We have updated our Emergency Preparedness and Evacuation policy, located at or around policy number 424, to reflect the change in the number and frequency of drills required. This policy should be adopted by the Board and will replace the existing versions. In addition, we have revised the drill-specific procedures outlined in Emergency Management Tests and Health Plan Emergency Drills, located at or around Appendix 424-A. An Emergency Drill Log and Sample Emergency Drill Calendar have also been included as Appendix 424-B and 424-C respectively. These appendices may be inserted into the policy book without board adoption.

Emergency Management Plans: All community schools should have an emergency management plan, previously known as a school safety plan, in effect for the current school year. (Please contact our office if you do not have an emergency management plan in place.) The General Assembly and the Ohio Department of Education have codified the necessary contents of each school’s emergency management plan. The attached model policy clarifies the new regulations, and, once adopted by the board, will replace the existing version in your policy notebook found at or around policy number 447.

As always, we remain available for questions or assistance.

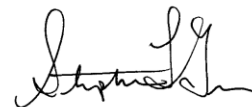
Very truly yours,



Amy J. Borman



Adam J. Schira



Stephanie L. Green

Enclosures

cc: (see email recipients)

TABLE OF POLICY CHANGES

| Approximate Policy/ Appendix No. | Policy/ Appendix Title | Relevant Statute/ Rule (if applicable) | Bd. Vote Required? |
|---|--|---|---------------------------|
| 114 | Ethics and Conflicts | R.C. 102; R.C. 2921.42; R.C. 2921.43; R.C. 2921.44 | Yes |
| 241.2 | Records Upon Enrollment | R.C. 3313.672 | Yes |
| 276 | Positive Behavioral Interventions and Supports, Seclusion, and Restraint | R.C. 3319.46; OAC 3301-35-15 | Yes |
| 424 | Emergency Preparedness and Evacuation | R.C. 3737.73 | Yes |
| 447 | School Emergency Management Plan | R.C. 3737.73; R.C. 3313.536; R.C. 3314.03; R.C. 3313.536; OAC 3301-5-01 | Yes |
| Appendix 424-A | Emergency Management Test and Health Plan Emergency Drills | R.C. 3313.536; R.C. 3737.73; OAC 3301-5-01; OAC 1301:7-7-04 | No |
| Appendix 424-B | Emergency Drill Log | R.C. 3313.536; R.C. 3737.73; OAC 3301-5-01; OAC 1301:7-7-04 | No |
| Appendix 424-C | Sample Emergency Drill Calendar | R.C. 3313.536; R.C. 3737.73; OAC 3301-5-01; OAC 1301:7-7-04 | No |

114 Ethics and Conflicts Policy

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

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

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

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

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

2. Revised Code Section 2921.42(A)(1). A Board member cannot authorize or employ the influence of his/her office to secure authorization of any public contract in which he/she, a member of his/her family, or any of his/her business associates has an interest.
 - a. A prohibited interest must be direct and definite and may be either pecuniary or fiduciary in nature.
 - b. **Abstain**. A Board member may avoid a conflict under ORC 2921.42(A)(1) by abstaining from voting and refraining from discussions or deliberations of the Board regarding the matter. The Board shall follow the procedures of Part D of this policy when considering a situation involving ORC 2921.42(A)(1).
3. Revised Code Section 2921.42(A)(3). A Board member shall not occupy any position of profit in the prosecution of a public contract which she or the community school board authorized, and which was not let by competitive bidding to the lowest and best bidder while the Board member holds a position on the Board or within one year thereafter.
 - a. A Board member occupies a position of profit in a public contract whenever he/she will receive a fee or compensation that is paid from or is dependent upon the contract, or the Board member will receive some other profit or benefit from the contract.
 - b. **Abstention** will not cure an ORC 2921.42(A)(3) conflict.
4. Revised Code Section 2921.42(A)(4). A Board member cannot have an interest in the profits or benefits of a public contract entered into by or for the use of the community school.
 - a. A Board member has a prohibited interest in the profits or benefits of a public contract if the Board member would financially benefit from the contract, or the Board member has an ownership or fiduciary interest in the entity that is entering into the contract, unless the exception in ORC 2921.42(C) applies.
 - b. For the exception to apply pursuant to ORC 2921.42(C), the subject of the contract must be necessary supplies or services for the community school, and the supplies or services must be unobtainable elsewhere for the same or lower cost, or be furnished to the community school as part of a continuing course of dealing established prior to the Board member becoming associated with the community school, and, treatment of the community school must either be preferential to or the same as that accorded to other customers in a similar transaction. Under the exception, the entire transaction conducted at “arms-length” with the Board’s full knowledge of the Board member’s interest.
 - c. Abstention will not cure an ORC 2921.42(A)(4) conflict unless the exception in ORC 2921.42(C) applies.
5. Revised Code Section 2921.43(A). No public servant may knowingly solicit or accept improper compensation (a) other than as allowed by ORC 102.03 (G), (H) and (I), to perform their acts, duties or services in their public servant capacity or as a supplement thereof, or, (b) for any additional or greater fees or costs than allowed by law in order to perform their official duties;

6. Revised Code Section 2921.43(B). No public servant shall solicit or accept anything of value for their own personal or business use or for the business or personal use of another public servant or party official, in consideration for (a) appointing, securing, maintaining, or renewing the appointment of any person to public office, employment or agency, or, (b) preferring or maintaining a public employee's compensation, duties, placement, location, promotion or other material aspect of employment. A person is not prohibited from making voluntary contributions.
7. Revised Code 2921.43(C). No person shall coerce any contribution for the benefit of a political party, campaign committee, legislative campaign fund, political action committee or political contributing entity, in consideration for (a) appointing, securing, maintaining or renewing the appointment of any person to any public office, employment or agency, or (b) preferring or maintaining the status of any public employee's compensation, duties, placement, location, promotion or other material aspects of employment. Coercion need not actually cause or prohibit any action from actually occurring. A person is not prohibited from making voluntary contributions.
8. Revised Code Section 2921.44. A fiscal officer shall be disqualified from serving as a public official for four years after being found guilty of dereliction of duty in Ohio and, also prohibited from holding a public office until all restitution or repayment required by a court has been satisfied. Dereliction of duty may include (a) recklessly creating a deficiency, incurring a liability, or expending a greater sum than is appropriated by the general assembly for the use in any one year for the entity to which the public official is connected; or, (b) recklessly failing to perform a duty expressly imposed or forbidden by law with respect to the public servant's office.

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

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

D. **IRC Procedure for Matters Involving Conflicts**. The Board shall follow the following procedures when it is called upon to consider any matter with respect to which an "interested person" has a "financial interest" as those terms are defined below. Please note: the fact that the Board of Directors has followed the procedures set forth below will

not enable an “interested person” to avoid the legal prohibitions of ORC 2921.42(A)(3) and (4) discussed in Parts B.3 and B.4, above.

1. For purposes of these procedures the following words have the following definitions.
 - a. An “interested person” is any Board member, principal officer, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below.
 - b. A person has a “financial interest” if the person, directly or indirectly, through business, investment, or family has:
 - i. An ownership or investment interest in any entity with which the School has a transaction or arrangement;
 - ii. A compensation arrangement with the School or with any entity or individual with which the School has a transaction or arrangement; or
 - iii. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the School is negotiating a transaction or arrangement.
 - c. “Compensation” includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.
2. Duty to Disclose. In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the Board members and members of committees with governing board delegated powers considering the proposed transaction or arrangement.
3. Determining Whether a Conflict of Interest Exists. A financial interest is not necessarily a conflict of interest. Under this procedure, a person who has a financial interest will have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists. Please note: the situations described in Part B present a conflict of interest. As such, the Board need not determine whether a conflict exists for any situation described in Part B. If the situation is not described in Part B, after disclosure of the financial interest and all material facts, and after any discussion with the interested person that is permitted under these policies, he/she shall leave the Board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining Board or committee members shall decide if a conflict of interest exists.

4. Procedures for Addressing the Conflict of Interest.
 - a. Except as otherwise provided in these policies, an interested person may make a presentation at the governing board or committee meeting, but after the presentation permitted under these policies, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
 - b. The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
 - c. After exercising due diligence, the governing board or committee shall determine whether the School can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
 - d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested Board members whether the transaction or arrangement is in the School's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

E. Other Procedures and Record Keeping Requirements.

1. Violations of the Conflicts of Interest Policy.
 - a. If the Board or committee has reasonable cause to believe a member has failed to disclose an actual or possible conflict of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
 - b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.
2. Documentation. The minutes of the Board and all committees with board-delegated powers shall contain:
 - a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the Board's or committee's decision as to whether a conflict of interest in fact existed.

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

5. Use of Outside Experts. The School may use outside experts in conducting its reviews, but, such use does not relieve the Board’s obligation to conduct periodic reviews.

6. Immediate Relatives. No present or former Board member, or immediate relative of any present or former Board member, shall be an owner, employee, or consultant of any sponsor or operator of any community school, unless at least one year has elapsed since the person’s membership or employment with the sponsor or operator ceased.
 - a. An “immediate relative” means the spouse, children, parents, grandparents, siblings, and in-laws of the Board member’s family.

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

Signature and Title

Date

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

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

Adopted on _____, 20_____

241.2 Records Upon Enrollment

Newly enrolled student records:

1. Upon receipt of completed enrollment forms, a request for records will be made within twenty-four hours from the public or nonpublic elementary or secondary school the pupil most recently attended.
2. If the records are not received within 5 business days, a second request will be made and the Principal or his/her designee will contact the school directly.
3. If the records are not received within 14 days of the date of request, or if the pupil does not present any one of the following: (1) a certification of birth; (2) a passport or attested transcript of a passport filed with a registrar of passports at a point of entry of the United States showing the date and place of birth of the child; (3) an attested transcript of the certificate of birth; (4) an attested transcript of the certificate of baptism or other religious record showing the date and place of birth of the child; or (5) an attested transcript of a hospital record showing the date and place of birth of the child, the school administrator will contact the school directly, then the Principal or his/her designee will notify the law enforcement agency having jurisdiction in the area where the pupil resides of this fact and of the possibility that the pupil may be a missing child.
4. The School shall not deny admission to a child who has been placed in a foster home or in a residential facility (e.g., a group home, child's crisis care facility, children's residential center, residential parenting facility with 24-hour care, county children's home or district's children's home) if the child does not present a birth certificate, or a comparable certificate from another state or country, or another document specifically listed above in (3) to attest to the child's date and place of birth upon registration for admission. Required documentation must be presented within 90 days of the child's initial entry into the School. If the required records are not produced within 90 days of enrollment the Principal or his/her designee will notify the law enforcement agency having jurisdiction in the area where the pupil resides of this fact and of the possibility that the pupil may be a missing child.

Requests for student records:

1. Upon receipt of a request for student records, the School will comply within two business days.
2. Copies of the student's records will be made and kept on file.

R.C. 3313.672. See also Policy No. 252 Missing and Absent Children.

Adopted on: _____, 20____

276 Positive Behavioral Interventions and Supports, Seclusion, and Restraint

This policy governs the use of positive behavioral methods and emergency safety interventions including seclusion and restraint. Any use of emergency safety interventions that does not meet the requirements set forth below is prohibited.

I. Definitions

Aversive behavioral interventions: an intervention that is intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors, including interventions such as: application of noxious, painful and/or intrusive stimuli, including any form of noxious, painful or intrusive spray, inhalants or tastes.

Chemical Restraint: a drug or medication used to control a student's behavior or restrict freedom of movement that is not (A) prescribed by a licensed physician, or other qualified health professional acting under the scope of the professional's authority under State law, for the standard treatment of a student's medical or psychiatric condition; and (B) administered as prescribed by the licensed physician or other qualified health professional acting under the scope of the professional's authority under State law.

De-escalation techniques: are strategically employed verbal and non-verbal interventions used to reduce the intensity of threatening behavior before a crisis situation occurs.

Functional Behavior Assessment (FBA): is a collaborative problem-solving process that is used to describe the function or purpose that is served by a student's behavior. Understanding the function that an impeding behavior serves for the student assists directly in designing educational programs and developing behavior plans with a high likelihood of success.

Mechanical Restraint: (A) any method of restricting a student's freedom of movement, physical activity, or normal use of the student's body, using an appliance or device manufactured for this purpose; and (B) does not mean devices used by trained school personnel, or used by a student, for the specific and approved therapeutic or safety purposes for which such devices were designed and, if applicable, prescribed, including: (1) restraints for medical immobilization; (2) adaptive devices or mechanical supports used to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; or (3) vehicle safety restraints when used as intended during the transport of a student in a moving vehicle.

Parent: (A) a biological or adoptive parent; (B) a guardian generally authorized to act as the child's parent, or authorized to make decisions for the child (but not the State if the child is a ward of the State); (C) an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; (D) a surrogate parent who has been appointed in accordance with O.A.C. 3301-51-05(E); and (E) any person identified in a judicial decree or order as the parent of the child or the person with authority to make educational decisions on behalf of the child.

Physical Escort: the temporary touching or holding of the hand, wrist, arm, shoulder, waist, hip, or back for the purpose of inducing a student to move to a safe location.

Physical Restraint: the use of physical contact that immobilizes or reduces the ability of a student to move his/her arms, legs, body, or head freely. This does not include a physical escort, mechanical restraint, or chemical restraint, or brief, but necessary, physical contact for the following purposes: (A) to break up a fight; (B) to knock a weapon away from student's possession; (C) to calm or comfort; (D) to assist a student in completing a task if the student does not resist the contact; or (E) to prevent an impulsive behavior that threatens the student's immediate safety.

Positive Behavior Interventions and Supports: (A) a school-wide systematic approach to embed evidence-based practices and data driven decision making to improve school climate and culture in order to achieve improved academic and social outcomes and increase learning for all students, and (B) that encompasses a wide range of systemic and individualized positive strategies to reinforce desired behaviors, diminishes reoccurrences of challenging behaviors, and teaches appropriate behavior to students.

Positive Behavior Support Plan: design, implementation, and evaluation of individual or group instructional and environmental modifications, including programs of behavioral instruction, to produce significant improvements in behavior through skill acquisition and the reduction of problematic behavior.

Prone Restraint: physical or mechanical restraint while the student is in a face down position.

Seclusion: involuntary isolation of a student in a room, enclosure, or space from which the student is prevented from leaving by physical restraint or by a closed door or other physical barrier.

Student: a child or adult aged three to twenty-one enrolled in the school.

Student personnel: teachers, principals, counselors, social workers, school resource officers, teachers' aides, psychologists, bus driver or other School staff who interact directly with students.

Timeout: a behavioral intervention in which a student, for a limited and specified time, is separated from the class within the classroom or in a non-locked setting for the purpose of self-regulating and controlling his or her behavior. In a timeout, the student is not physically restrained or prevented from leaving the area by physical barriers.

II. Creation of Positive Behavioral Intervention and Supports (PBIS)

The School shall establish an evidence-based school wide system of positive behavioral interventions and supports that will apply in all settings to all students and staff. The system shall include family involvement.

The School shall train staff to: (A) identify conditions such as where, under what conditions, with whom, and why specific inappropriate behavior may occur; and (B) conduct preventive assessments which include: (1) a review of existing data; (2) interviews with parents, family members, and students; and (3) examination of previous and existing behavioral intervention plans.

Based on the assessment data, the School shall develop and implement preventative behavioral interventions that (A) modify the environmental factors that escalate the inappropriate behavior; (B) support the attainment of appropriate behavior; and (C) use verbal de-escalation to defuse potentially violent dangerous behavior.

III. Prohibited Practices

The following are prohibited under all circumstances, including emergency safety situations:

- (A) Prone restraint;
- (B) Corporal punishment;
- (C) Child endangerment as defined in R.C. 2919.22;
- (D) Seclusion or restraint of preschool students (if any);
- (E) Deprivation of basic needs;
- (F) Restraint that unduly risks serious harm or needless pain to the student, including the intentional, knowing, or reckless use of any of the following:
 - (i) Any method that is capable of causing loss of consciousness or harm to the neck or restricting respiration in any way;
 - (ii) Pinning down with knees to torso, head and/or neck;
 - (iii) Using pressure points, pain compliance and joint manipulation techniques;
 - (iv) Dragging or lifting of a student's hair or ear or by any type of mechanical restraint;
 - (v) Using students or untrained staff to assist with the hold or restraint;
 - (vi) Securing a student to another student or to a fixed object; or
 - (vii) Using any other technique used to unnecessarily cause pain.
- (G) Any physical restraint that impacts the student's primary mode of communication;
- (H) Mechanical or chemical restraints;
- (I) Aversive behavioral interventions; or
- (J) Seclusion of students in a locked room.

IV. Restraint

May be used only in a manner that is age and developmentally appropriate, when there is an immediate risk of physical harm to the student or to others and no other safe and effective intervention is possible, and, when performed by trained staff, except in the case of an unavoidable emergency situation. The physical restraint must not obstruct the student's ability to breathe.

Staff must:

- (A) Be appropriately trained to protect the care, welfare, dignity, and safety of the student;

- (B) Continually observe the student in restraint for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
- (C) Use verbal strategies and research based de-escalation techniques in an effort to help the student regain control;
- (D) The least amount of force necessary should be used;
- (E) Remove the student from physical restraint immediately when the immediate risk of physical harm to self or others has dissipated;
- (F) Conduct a de-briefing including all involved staff to evaluate the trigger for the incident, staff response, and methods to address the student's behavioral needs; and
- (G) Complete all required reports and document staff observations of the students.

V. Seclusion

Seclusion shall only be used if: it is a last resort for the student to regain control; it is age and developmentally appropriate; there is an immediate risk of physical harm to the student or others; and there is no other safe and effective intervention.

The room or area used for seclusion cannot be locked, and must provide for adequate space, lighting, ventilation, clear visibility, and the safety of students.

Seclusion shall not be used as: a substitute for an education program, less restrictive alternatives, inadequate staffing, staff training in positive behavior supports and crisis prevention and intervention; a form of discipline or punishment; a means to coerce, retaliate; or in a manner that endangers the students.

Staff must:

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

VI. Functional Behavioral Assessment

If the student repeatedly engages in dangerous behavior that leads to instances of restraint and/or seclusion, the School shall conduct a functional behavioral assessment (FBA) to identify the student's needs and more effective ways of addressing those needs. If necessary, this FBA should be followed by a behavioral intervention plan (BIP) that incorporates appropriate positive behavioral interventions. The use of an FBA or a BIP does not necessarily mean the student is a special education student in itself, but may be used for non-disabled as well as differently-abled or special education students.

VII. Training and Professional Development

The School shall train all staff working with students annually on the requirements of this policy and shall keep written or electronic documentation of the type of training and the participants. The School shall have a plan on training staff working with students, as necessary, to implement PBIS on a system-wide basis. The School shall ensure that an adequate number of personnel in each building are trained in crisis management and de-escalation techniques and that their training is kept current.

VIII. Required Data and Reporting

Staff must document each use of seclusion or restraint and report it to the building administration and the parent immediately. A written report of the incident must be created, given to the parent within 24 hours of the incident, and placed in the student's file. This report is subject to the Family Educational Rights and Privacy Act.

The School shall report information concerning its use of seclusion and restraint annually to, and as requested by, the Ohio Department of Education.

The School shall make this policy available to parents annually, and shall post this policy on its website.

IX. Monitoring and Complaint Procedures

The School shall establish a procedure for parents to submit written complaints regarding an incident of seclusion or restraint. The Principal or his/her designee must investigate every complaint and respond to the parent in writing within thirty (30) days of filing the complaint.

Parent(s) may choose to file a complaint with the Ohio Department of Education, Office of Exceptional Children, in accordance with the complaint procedures available concerning students with disabilities.

O.A.C. 3301-35-15; R.C. 3319.46.

Adopted on: _____, 20__

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 No. 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 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. A plan for the prompt and safe evacuation of any School building that shall be practiced at least 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);
4. 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;
5. 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;
6. The designation of appropriate locations to shelter students in case of a tornado;

7. 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 during the “tornado season” of April 1 to July 31 conducted in accordance with law;
8. Procedures for the safe dispersal of students from School property and, if necessary, a plan for the sequestration of students in a safe place other than the School;
9. Design of a communications system;
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 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 year, no later than December 5 of each school year.

See **Appendix 424-A** Safety and Health Plan Emergency Drills, **Appendix 424-B** Emergency Drill Log, **Appendix 424-C** Sample Emergency Drill Calendar, and Policy No. 428 Bomb Threat Policy.

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

Adopted on _____, 20__

447 School Emergency Management Plan

The School's Principal or his/her designee with supervisory authority will develop and adopt a comprehensive School emergency management plan for each School building under his or her supervision. In accordance with Ohio law, the Principal or designee with supervisory authority will examine the environmental conditions and operations of the building(s) to determine potential hazards to student and staff safety and propose operating changes to prevent dangerous circumstances. Community law enforcement and safety officials, parents, and School employees will be involved in developing the plan. The plan shall contain the name, title (if applicable), contact information, and signature of all parties participating in the development of the plan. Remediation strategies shall also be incorporated into the plan where documented safety problems have occurred in the past.

The Board shall incorporate into the plan both of the following: (1) a protocol for addressing serious threats to the safety of School property, students, employees, or administrators; and (2) a protocol responding to any emergency events that occur and compromise the safety of School property, students, employees, or administrators. Protocol (2), above, must include (i) a floor plan that is unique to each floor of the building, (ii) a site plan that includes all building property and surrounding property, and (iii) an emergency contact information sheet. 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.

At minimum, the Plan shall include protocols to address and respond to the following events: an active shooter event; a hostage situation; a bomb threat; an act of terrorism; 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.

Protocols 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.

Prior to the opening day of each School year, 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 protocol.

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. An emergency management test may be performed simultaneously with a safety drill, so long as the emergency management test drill tests a single procedural operation and involves the coordination of efforts. **See Appendix 424-A.** The Principal or his/her designee shall provide at least 72 hours advanced written notice, including the date, time and address of the school where the test will occur, to the Department of Education and to each entity in receipt of the School's emergency management plan.

The emergency management plan 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 plan annually by July 1 and certify to the Department of Education that the plan is current and accurate. The Principal or his/her designee with supervisory authority must submit an electronic copy of the plan to the Department of Education whenever a major modification to the School building necessitates changes in the plan'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 plan. A copy of the plan along with a copy of the School building floor plan will be filed with each law enforcement agency having jurisdiction over the School building(s). Upon request, the plan 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 plan in a secure place. Copies of the emergency management plan 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.

R.C. 3737.73(D); 3313.536; 3314.03(A)(11)(d); OAC 3301-5-01.

See also Policy No. 429 Crisis Media Situations; Policy No. 428 Bomb Threat Policy; Policy No. 423 Facility Security; Policy No. 424 Emergency Preparedness and Evacuation and **Appendix 424-A** Emergency Management and Health Plan Emergency Drills.

Adopted on: _____, 20__

Appendix 424-A

Emergency Management Test and Health Plan Emergency Drills

The School institutes the guidelines to enable employees at a facility to take the remedial precautions and actions required in an emergency situation in a logical and controlled manner. Emergency procedures are for Fire Drills, Tornado Drills and Safety Drills, emergency management tests, and procedures to address other such life threatening emergencies (i.e. noxious fumes and/or odors, chemical spills, etc.)

The following guidelines must be implemented at each facility.

1. Fire Drills will be practiced at least six (6) times during the school year in each facility as required by R.C. 3737.73, so long as the School has smoke detectors or a sprinkler system in all classrooms. If the School does not have smoke detectors or a sprinkler system in each classroom, Fire Drills will be practiced at least nine (9) times during the school year in each facility. During the ten (10) days that school is in session each year, there shall be one (1) fire drill. The Principal or his/her designee shall have primary responsibility to plan, organize and implement these fire drills and to report the results of each drill to the Principal or his/her designee.

The initial fire drill of each school year may be an announced drill so as to alert the students and employees in that facility to the alarm and to enable each to be able to distinguish the fire alarm from other alarms which may be used at that facility. Every student, visitor and employee present in the facility when a fire alarm is sounded will leave the facility and go to the location which the Principal shall assign outside that facility. Fire drill guidelines and rules (i.e. appropriate and expected fire drill behaviors, opening egress doors, closing work area and exit doors and windows, marking and posting of egress routes, assigning and informing of the outside fire drill destinations for each group of students and employees, etc.) shall be planned and developed by the Principal, or designee, and will be discussed with all students and each employee at the facility prior to the first fire drill. Student attendance will be taken by the teacher or person responsible for students once outside the facility and at the assigned designation. Attendance will again be taken once any students and/or staff have arrived back in its usual assigned work area(s). Students and employees may reenter the facility only after the building administrator, or designee, gives the "all clear" indication. All fire alarms, including false alarms, will be treated with the same seriousness as if a real fire was in progress in that facility. The Principal, or his/her designee, will indicate the date, time of day, length of time required to totally clear the entire facility of both students and employees, and of any other usual or unusual data associated with that particular fire drill in the report to Principal or his/her designee. The Principal, or his/her designee, shall twice annually inspect each fire extinguisher in the facility, noting its readiness for use or a malfunction. He/she will during that inspection date initial the card attached to that fire extinguisher.

2. Tornado drills will be practiced once each month during the tornado season of April through July when school is in session.

The initial practice tornado drill may be announced so as to alert the students and employees assigned to that facility to the tornado alarm and to enable each to be able to distinguish the tornado alarm from other alarms used at that facility. Every student and employee present in the facility at the time of the tornado drill will participate by leaving the assigned work area and reporting immediately to the assigned tornado drill area within the facility. The tornado drill rules (i.e. appropriate behaviors, assumed drill body positions/postures, marking of assigned tornado drill areas for each group, posting of egress routes from the assigned work areas, etc.) shall be planned, organized and implemented by the Principal or designee and will be discussed with all students and employees prior to the first practice tornado drill. Student attendance will be taken once the class or group has reached the assigned tornado drill area and taken once again after the class and/or staff arrive back in the usual and assigned work area. Students and employees may return to their assigned work areas only after the Principal, or designee, gives an "all clear" indication. All tornado alarms will be treated with the same seriousness as if a tornado was in progress in the immediate area of the facility. Students will be released to parents during a tornado drill providing the custodial parent has appeared in person and has in writing requested that their child(ren) be released to them.

The Principal, or his/her designee, will indicate the date, time of day, the length of time required to perform the practice tornado drill, as well as any usual or unusual data associated with that tornado drill in his/her report to the Principal or his/her designee.

3. Safety Drills will be practiced at least three (3) times during the school year in each facility as required by R.C. 3737.73. Safety Drills shall include practice of procedures to secure inside or evacuate the School building in the event of a threat involving an act of terrorism, a person in possession of a dangerous ordinance (including a bomb or threat of a bomb), or any other violent situation. At least one (1) of the three (3) practiced drills shall require pupils to be secured inside the School building.

The initial safety drill of each school year may be an announced drill so as to alert the students and employees in that facility to the alarm and to enable each to be able to distinguish the safety alarm from other alarms which may be used at that facility. Every student, visitor and employee present in the facility when a safety alarm is sounded will follow the announced procedure to either leave the facility to go to the location which the Principal shall assign outside that facility or immediately secure-in-place. Safety drill guidelines and rules (i.e. appropriate and expected safety drill behaviors, opening/closing egress doors, closing and locking work area and exit doors and windows, marking and posting of egress routes, assigning and informing of the outside safety drill destinations for each group of students and employees, etc.) shall be planned and developed by the Principal, or designee, and will be discussed with all students and each employee at the facility prior to the first safety drill.

If the safety drill calls for an evacuation of the School building, student attendance will be taken by the teacher or person responsible for students once outside the facility and at the assigned designation. Attendance will again be taken once any students and/or staff have arrived back in its usual assigned work area(s). If the safety drill requires students to secure inside the building, student attendance will be taken by the teacher or person responsible for students once the designated location has been secured. Attendance will again be taken upon release from the secured position when students and/or staff have arrived back in its usual assigned work area.

Students and employees may reenter the facility or release from their secured positions only after the building administrator, or designee, gives the “all clear” indication. All safety alarms, including false alarms, will be treated with the same seriousness as if a real emergency event was in progress in that facility. The Principal or his/her designee, will indicate the date, time of day, length of time required to totally clear or secure the entire facility, and of any other usual or unusual data associated with that particular safety drill in the report to Principal or his/her designee.

4. Noxious fumes and/or odors, chemical spills and other life threatening emergencies require that the Principal or designee, plan, organize, implement a reasonable evacuation procedure for the facility given any of the above circumstances. The Principal or his/her designee, will discuss these guidelines with the responsible employees at the beginning of each new school year.

Such emergencies will be immediately reported to the proper public protection authorities and to the Principal or his/her designee. A written summary of the emergency will follow which will give the date of the emergency, time of day that it occurred, type of emergency and the resulting action(s) taken to secure the safety and health of students and employees affected by the emergency.

5. The Principal or his/her designee shall conduct an emergency management test at least once each year consistent with rules adopted by the State Board of Education. An emergency management test is defined as a regularly scheduled drill, exercise, or activity that is designed to assess and evaluate an emergency management plan. An emergency management test may be performed simultaneously with a safety drill, so long as the emergency management test drill tests a single procedural operation and involves the coordination of efforts.

The Principal or his/her designee, shall have primary responsibility to plan, organize and implement these emergency management tests, including providing 72 hours advanced written notice to local law enforcement officials. The Principal or his/her designee is also responsible to report the results of each drill annually to the local police chief or similar law enforcement official no later than December 5 each year.

R.C. 3313.536; 3737.73; OAC 3301-5-01; OAC 1301:7-7-04 (Ohio Fire Code).

Appendix 424-B Emergency Drill Log

School Name _____ Principal _____ Phone _____

Address _____ City _____ Zip Code _____

Police Jurisdiction _____ Fire Dept. _____

First Day of School _____ Last Day of School _____

School Safety Drills

| Month | Person Conducting Drill | Date | Time | Length | Secured in Building? (Y/N) | Notes |
|-------|-------------------------|------|------|--------|----------------------------|--------------------------|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | Theoretical Drill |

Tornado Drills

| Month | Person Conducting Drill | Weather | Date | Time | Length | Notes |
|--------------|-------------------------|---------|------|------|--------|-------|
| April | | | | | | |
| May | | | | | | |
| June | | | | | | |
| July | | | | | | |

Fire Drills

| Month | Person Conducting Drill | Date | Time | Number of Staff Members | Number of Occupants | Time to Complete Drill | Problems Encountered | Weather Conditions | Notes |
|-----------|-------------------------|------|------|-------------------------|---------------------|------------------------|----------------------|--------------------|-------|
| July | | | | | | | | | |
| August | | | | | | | | | |
| September | | | | | | | | | |
| October | | | | | | | | | |
| November | | | | | | | | | |
| December | | | | | | | | | |
| January | | | | | | | | | |
| February | | | | | | | | | |
| March | | | | | | | | | |
| April | | | | | | | | | |
| May | | | | | | | | | |
| June | | | | | | | | | |

NOTE: At least one fire drill must be conducted within 10 days of the start of the school year.

Principal Signature _____ **Date** _____

424-C Sample Emergency Drill Calendar

For Schools with Sprinklers or Smoke Detectors in Each Classroom

July: No School in Session.

August: Annual Faculty and Staff Training Session; Theoretical Safety Drill.

September: Fire Drill *Within 10 Days of the Start of the School Year.*

October: Safety Drill.

November: Fire Drill.

December: Fire Drill.

January: Safety Drill *with Students Secured in Building.*

February: Fire Drill.

March: Fire Drill.

April: Tornado Drill; Safety Drill.

May: Tornado Drill; Fire Drill.

June: Tornado Drill; Fire Drill.

For Schools without Sprinklers or Smoke Detectors in Each Classroom

July: No School in Session.

August: Annual Faculty and Staff Training Session; Theoretical Safety Drill.

September: Fire Drill *Within 10 Days of the Start of the School Year.*

October: Safety Drill Combined With Fire Drill.

November: Fire Drill.

December: Fire Drill.

January: Safety Drill *with Students Secured in Building.*

February: Fire Drill.

March: Fire Drill.

April: Tornado Drill; Safety Drill Combined With Fire Drill.

May: Tornado Drill; Fire Drill.

June: Tornado Drill; Fire Drill.