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## STUDENT POLICIES GOALS

The Board advocates the following goals to:

- enhance equal educational opportunities for all students;
- instill in all students the ability to be critical thinkers and to strive for lifelong learning;
- promote faithful attendance;
- ensure that the Constitutional rights of all students as citizens in a democracy have practical meaning and application;
- develop in students a deep sense of personal responsibility for their actions;
- attend vigorously to matters of student safety, health and welfare;
- deal justly and constructively with all students in matters of discipline and
- help all students feel that they are valued as individual persons in the school environment.

[Adoption date: May 10, 2005]

[Reviewed date: June 4, 2015]

LEGAL REFS.: Ohio Const. Art. II  
ORC 3313.48

## EQUAL EDUCATIONAL OPPORTUNITIES

All students of the Findlay Digital Academy have equal educational opportunities.

Students have the right to be free from discrimination on the basis of race, color, national origin, citizenship status, religion, gender, social economic status, sexual orientation, marital status, English proficiency, pregnancy, age or disability in all decisions affecting application, selection process and criteria, admissions; timelines and schedules for enrollment, membership in school-sponsored organizations, clubs or activities; access to facilities; distribution of funds; academic evaluations or any other aspect of school-sponsored activities. Any limitations with regard to participation in a school-sponsored activity are based on criteria reasonably related to that specific activity.

[Adoption date: May 10, 2005]

[Reviewed date: June 4, 2015]

LEGAL REFS.: Civil Rights Act, Title VI; 42 USC 2000d et seq.  
Civil Rights Act, (Amended 1972), Title VII; 42 USC 2000e et seq.  
Executive Order 11246, 1965, amended by Executive Order 11375  
Education Amendments of 1972, Title IX, Pub. L. No. 92-318 (1972)  
Individuals with Disabilities Education Act  
Vocational Rehabilitation Act of 1973, § 504  
ORC 3313.64  
OAC 3301-35-02(a)(2)  
Americans with Disabilities Act; 42 USC 12112 et seq.

## COMPULSORY ATTENDANCE AGES

Under law, children between the ages of six and 18 are of compulsory school age. Every person of compulsory school age must attend a school that conforms to the Operating Standards prescribed by the State Board of Education until one of the following occurs.

- The person receives a diploma granted by the Board or other governing authority indicating such student has successfully completed all State and local requirements.
- The person receives an age and schooling certificate (GED).
- The person is excused from school under standards adopted by the State Board of Education pursuant to State law.

The parent(s) of any person that is of compulsory school age must send such person to school unless he/she is exempt as listed above.

[Adoption date: May 10, 2005]

[Reviewed date: June 4, 2015]

LEGAL REFS.: ORC 3321.01 et. seq.  
3331.02  
OAC 3301-35-02

## ENROLLMENT POLICY

The Findlay Digital Academy (FDA) is a non-traditional school designed to serve students who are not reaching their full learning potential in more traditional educational environments. Because FDA is a distance learning online school, the ability of its students to learn independently in their own homes, using an online educational program, is an essential element of FDA's program.

FDA serves students who are at risk of dropping out of, or of failing to learn effectively in their current educational setting, or who have a desire for, and whose education can be optimized by, a program of online instruction in an independent environment that does not include most or all ancillary components of a more traditional education.

To be eligible to enroll in FDA a student must be in grades 9-12 and must reside in the Findlay City School District or any school district that is located in Hancock County: Ada Local School District, Arcadia Local School District, Arlington Local School District, Bluffton Local School District, Cory-Rawson Local School District, Elmwood Local School District, Fostoria, Hardin-Northern Local School District, Liberty Benton Local School District, McComb Local School District, North Baltimore Local School District, Riverdale Local School District, Van Buren Local School District, and Vanlue Local School District. Prior to Board adoption, this admission territory has been approved by the Ohio Department of Education's Office of Community Schools and is further specified in FDA's Sponsor Contract.

Additionally, as Findlay Digital Academy is chartered as a Drop-Out Prevention, Credit Recovery Prevention (DOPR) school, the Ohio Department of Education requires that the majority of students enrolled are between the ages of 16-21 and are enrolled in its dropout recovery program.

FDA's curriculum is particularly designed for at-risk students. At-risk students are defined as:

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Students who are performing at or above grade level but who seek a more challenging curriculum and, in particular, who wish to capitalize upon the enrichment potential of individually paced and independently completed online instruction.

Students who are already successfully learning at home but whose home schooling would be complimented with FDA's comprehensive, formal, and standards-based online curriculum.

Students who are performing below grade level and who wish to focus their education exclusively on an independent online course of study, starting at the student's current skill and knowledge level and building forward at a pace determined by the student in collaboration with online instructors and FDA Academic Coaches.

Students who have been removed from school for disciplinary reasons but who are committed to, and capable of, regaining their focus on academic pursuits in the independent and solitary context of online instruction delivered in their homes.

Students will be encouraged to register with the Ohio Text Alert System to receive important information throughout the school year. [www.ohioalerts.org/findlaydigitalacademy](http://www.ohioalerts.org/findlaydigitalacademy)

In enrolling at FDA, students must be desirous of, and committed to, an education that is exclusively delivered online and which lacks such components of a conventional school as peer socialization and face-to-face interaction with instructors and other staff (except meetings with FDA Instructional Coaches).

When participating in their home school district's extracurricular activities or a career-tech school district's curricular activities, students of FDA will be required to follow all rules and regulations of that school district.

The student's parent/guardian must provide within the home, supervision of such a nature as to ensure the student's safe and responsible participation in the program. Students are expected to work at least 26 hours a week and earn a minimum of one credit each quarter. However, students are expected to earn five credits during the school year.

Each student is encouraged to attend weekly meetings with an Instructional Coach. During this meeting, overall progress will be reviewed and specific class assistance can be offered. Students who do not maintain adequate progress may be urged to attend additional meetings with their Instructional Coach or might be removed from the academy for lack of progress/participation.

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Consistent with the School's Truancy Policy, Students who are habitually truant or have excessive absences will be required to have an absence intervention plan in place before filing a truancy complaint in juvenile court. These plans will be developed by the absence intervention team, including the

parent.

Excessively absent is one who is absent with or without a legitimate excuse for:

- thirty-eight (38) or more hours in one (1) school month; or
- Sixty-five (65) or more hours in one (1) school year.

Habitually truant is one who is absent without a legitimate excuse for:

- Thirty (30) or more consecutive hours;
- Forty-two (42) or more total hours in one (1) school month; or
- Seventy-two (72) or more hours in one (1) school year.

### **Automatic Withdrawal for Lack of Participation**

The Ohio Revised Code requires community schools to adopt a procedure for automatically withdrawing a student from the school if the student, without legitimate excuse, fails to participate in seventy-two (72) cumulative hours of the learning opportunities offered to the student.

Any student who does not participate in a school activity for seventy-two (72) consecutive hours will be automatically withdrawn from the Findlay Digital Academy. The student's guardian will be notified by mail that such a withdrawal occurred. Notice of the withdrawal will also be sent to the residential school at that time. The student and/or guardian must return all issued school equipment within one week of the withdrawal and immediately enroll the student in an accredited Ohio school.

If after a student has been automatically withdrawn due to lack of participation seeks to re-enroll at FDA, that student can re-enroll the following semester, but must be placed on a participation correction plan.

School participation is indicated by submitting a minimum of one lesson per week in each class.



## **Automatic Withdrawal for Test Participation**

FDA shall withdraw any student who, for two consecutive school years of enrollment in the school, has failed to participate in the spring administration of any assessment prescribed under section 3301.0710 or 3301.0712 of the Revised Code for the student's grade level and was not excused from the assessment pursuant Ohio law.

## **O.R.C. 3314.06 Statements**

The School will not discriminate in admitting students to the School on the basis of race, creed, color, disability, or sex.

The School will not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability. Unless the total School is filled to capacity, no student with any disability shall be denied admission on the basis of that disability. Upon admitting any student with a disability, the community school will comply with all federal and state laws regarding the education of students with disabilities.

The School will not exceed the capacity of the School's programs, classes, grade levels, or facilities. If the number of applicants exceeds the School's capacity, students shall be admitted by lottery from all those submitting applications. Preference shall be first given to students attending the School the previous year and then to students who reside in the school district in which the School is located. Preference will be given to siblings of students attending the school the previous year.

In the event the racial composition of the enrollment of the School violates a federal desegregation order, the School will take any and all corrective measures to comply with the order.

[Adoption date: April 26, 2018]

[Revision date: December 6, 2018]

## **RESIDENCE VERIFICATION AND REVIEW**

### **Custody and Birth Records Verification**

A student, at the time of his/her initial entry into the School, shall present or have presented on his/her behalf by his/her parent(s), to the person in charge of admission:

1. A certified copy of an order or decree, or modification of such an order or decree allocating parental rights and responsibilities for the care of a child and designating a residential parent and legal custodian of that child if such an order or decree has been issued;
2. A copy of his/her certificate of birth issued pursuant to O.R.C. Chapter 3705, or a comparable certificate or certification issued pursuant to the statutes of another state, territory, possession, or nation, and copies of those records pertaining to him/her maintained by the school that he/she most recently attended.

### **Residence and Address Records Verification and Review**

Upon enrolling in the School, the Governing Authority shall verify the school district in which the student is entitled to attend to the Department of Education. The school district the student is entitled to attend is the district within the location the parent or student has established as the primary residence and where substantial family activity takes place.

A student's residency shall be verified by producing of at least one (1) of the following:

- a deed, mortgage, lease, current home owner's or renter's insurance declaration page, or current real property tax bill;
- a utility bill or receipt of utility installation issued within ninety days of enrollment;
- a paycheck or paystub issued to the parent or student within ninety days of the date of enrollment that includes the address of the parent's or student's primary residence;
- the most current available bank statement issued to the parent or student that includes the address of the parent's or student's primary residence;
- a voter registration card;
- documented affirmation of address of student's parent(s) from district of residence where parent(s) currently resides;
- Notarized affirmation from parent(s) of current residence address;
- USPS return receipt from certified letter sent to parent(s) by district of residence;
- Written confirmation from the Department of Job and Family Services of current address of the parent(s); or
- Written confirmation from a local law enforcement agency of the current address of the parent(s).
- any other official document issued to the parent or student that includes the address of the parent's or student's primary residence.

The Governing Authority shall review the residency records of students enrolled in the School monthly.

The Governing Authority shall verify the school district in which each student is entitled to attend school annually to the Ohio Department of Education.

The Parent/Guardian of each student enrolled in the School shall notify the School when there is a change in the location of the parent's/guardians or student's primary residence.

#### Academic Records

During the admissions process, the principal or designee shall provide the student's parent with a copy of the most recent report card issued for the School. Within twenty-four (24) hours of the student's entry into school, the principal or designee shall request the student's official records from the school he/she most recently attended. Pursuant to O.R.C. §3301.60, if the student is a child of a military family who has transferred from another state (the "sending state") and official education records are not available, the School shall enroll and appropriately place the student based on information in the unofficial education records provided by the student's prior school, pending validation by the student's official records, as quickly as possible.

If the sending school, upon contact, indicates that it has no record of the student or after fourteen (14) days no records are received, or if the student does not present a birth certificate or other document, the principal or chief administrative officer of the school shall notify the law enforcement agency having jurisdiction in the area where the student resides of that fact and of the possibility that the student may be a missing child as this term is defined in O.R.C. §2901.30.

If, at the time of a student's initial entry into the School, the student is under the care of a shelter for victims of domestic violence as defined in O.R.C. §3113.33, the student or his/her parent shall notify the building principal of this fact, and the principal or designee shall so inform the school from which the student's records are requested.

LEGAL REFS: O.R.C. §§ 3301.60; 3313.60, 3313.6411, 3313.672, 3314.03, 3314.11, 3321.01

[Adoption date: June 4, 2015]

[Revision date: October 4, 2018]

*Ohio: R.C. 3314.11*

## REQUIRED DOCUMENTATION UPON ADMISSION

The School and Ohio law require certain documents, records, and other information be provided upon the student's enrollment in the School. The Executive Director/Superintendent is hereby directed to develop and implement rules and procedures as necessary to ensure that the School complies with this Policy and all other applicable laws.

### Records and Documentation

Upon admission into the School, all students shall be required to provide the following:

- any records from the public or nonpublic elementary or secondary school the student most recently attended,
- if issued and applicable, a certified copy of an order or decree, or modification of such an order or decree allocating parental rights and responsibilities for the care of a child and designating a residential parent and legal custodian of the child,
- if executed and applicable, a copy of a power of attorney or caretaker authorization affidavit, if either has been executed with respect to the child, and
- a Birth Certificate Upon enrolling a student, the School shall make a request for records within twenty-four (24) hours from the school the student most recently attended. If the records are not received within seven (7) days, a second request will be made and the Executive Director/Superintendent/Superintendent shall directly contact the school. If the school the student claims to have most recently attended indicates that it has no record of the student's attendance or the records are not received within fourteen (14) days of the date of request, or if the student does not present certain legal documents, the Executive Director/Superintendent/Superintendent shall notify the law enforcement agency having jurisdiction in the area where the student resides of this fact and of the possibility that the student may be a missing child. Certain legal documents include the following: (1) a certification of birth; (2) Passport or attested transcript of a passport filed with a registrar of passports at a point of entry of the United States showing the date and place of birth of the child; (3) An attested transcript of the certificate of birth; (4) An attested transcript of the certificate of baptism or other religious record showing the date and place of birth of the child; (5) An attested transcript of a hospital record showing the date and place of birth of the child; (6) A birth affidavit.

### Receiving Records Requests

The School shall comply with all records requests within two (2) business days. The School shall make copies of the student's records and keep the records on file.

### Grandparent Caretaker Requirements

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A child who is living with and being cared for by grandparents may enroll in and attend the School, so long as the Grandparents/caretaker provide the documents and records above and all of the following documents:

- *Power of Attorney.* Under Ohio law, A child's parent, guardian, or custodian may create a power of attorney that grants to the grandparent with whom the child is residing any of the parent's, guardian's, or custodian's rights and responsibilities regarding the care, physical custody, and control of the child, including the ability to enroll the child in school, to obtain from the school district educational and behavioral information about the child, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child. The power of attorney does not affect the rights of the parent, guardian, or custodian of the child in any future proceeding concerning custody of the child or the allocation of parental rights and responsibilities for the care of the child and does not grant legal custody to the attorney in fact. To create a Power of Attorney, an individual must use Form ICC -1, Grandparent Power of Attorney.
- *Caretaker Authorization Affidavit.* A caretaker authorization form, included as Form ICC - 2, is a document that authorizes the grandparent to exercise care, physical custody, and control of the child, including, but not limited to, the authority to enroll the child in school, the discuss with the school the child's educational progress, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child. Such a form can only executed by grandparent if the grandparent has made reasonable attempts to locate or contact the child's parents but has been unable to do so. To create a Caretaker Authorization Affidavit, an individual must use Form ICC-2, Caretaker Authorization Affidavit.

The Power of Attorney and/or Caretaker Authorization Affidavit are terminated if (1) revoked in writing and notice is provided; (2) the child ceases to reside with the grandparent; (3) court order; (4) the child's death; or (5) the grandparent's death.

Ohio law prohibits individuals from executing the Power of Attorney or the Caretaker Authorization Affidavit if the purpose is to enroll the child in the School so that the child may participate in academic or interscholastic activities offered by the School. Power of Attorney or Caretaker Authorization Affidavits submitted for this reason are void and are punishable as a misdemeanor of the first degree.

[Adoption date: June 4, 2015]

*Ohio:* R.C. 3313.672, R.C. 3109.52, R.C. 3109.65, R.C. 3109.80, R.C. 3109.78.

Grandparent Power of Attorney

*Ohio requires this form be used as it is identical to R.C. 3109.53*

I, the undersigned, residing at \_\_\_\_\_, in the county of \_\_\_\_\_, state of \_\_\_\_\_, hereby appoint the child's grandparent, \_\_\_\_\_, residing at \_\_\_\_\_, in the county of \_\_\_\_\_, in the state of Ohio, with whom the child of whom I am the parent, guardian, or custodian is residing, my attorney in fact to exercise any and all of my rights and responsibilities regarding the care, physical custody, and control of the child, \_\_\_\_\_, born \_\_\_\_\_, having social security number (optional) \_\_\_\_\_, except my authority to consent to marriage or adoption of the child \_\_\_\_\_, and to perform all acts necessary in the execution of the rights and responsibilities hereby granted, as fully as I might do if personally present. The rights I am transferring under this power of attorney include the ability to enroll the child in school, to obtain from the school district educational and behavioral information about the child, to consent to all school- related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child. This transfer does not affect my rights in any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child. This transfer does not terminate my right to have regular contact with the child.

I hereby certify that I am transferring the rights and responsibilities designated in this power of attorney because one of the following circumstances exists:

- 1)
- 2)
- 3)

I am: (a) Seriously ill, incarcerated or about to be incarcerated, (b) Temporarily unable to provide financial support or parental guidance to the child, (c) Temporarily unable to provide adequate care and supervision of the child because of my physical or mental condition, (d) Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable, or (e) In or about to enter a residential treatment program for substance abuse;

I am a parent of the child, the child's other parent is deceased, and I have authority to execute the power of attorney; or

I have a well-founded belief that the power of attorney is in the child's best interest.

I hereby certify that I am not transferring my rights and responsibilities regarding the child for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district.

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I understand that this document does not authorize a child support enforcement agency to redirect child support payments to the grandparent designated as attorney in fact. I further understand that to have an existing child support order modified or a new child support order issued administrative or judicial proceedings must be initiated.

If there is a court order naming me the residential parent and legal custodian of the child who is the subject of this power of attorney and I am the sole parent signing this document, I hereby certify that one of the following is the case:

(1) I have made reasonable efforts to locate and provide notice of the creation of this power of attorney to the other parent and have been unable to locate that parent;

(2) The other parent is prohibited from receiving a notice of relocation; or (3) The parental rights of the other parent have been terminated by order of a juvenile court.

This POWER OF ATTORNEY is valid until the occurrence of whichever of the following events occurs first: (1) I revoke this POWER OF ATTORNEY in writing and give notice of the revocation to the grandparent designated as attorney in fact and the juvenile court with which this POWER OF ATTORNEY was filed; (2) the child ceases to reside with the grandparent designated as attorney in fact; (3) this POWER OF ATTORNEY is terminated by court order; (4) the death of the child who is the subject of the power of attorney; or (5) the death of the grandparent designated as the attorney in fact.

**WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH.**

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Parent/Custodian/Guardian's signature

\_\_\_\_\_ Parent's signature

\_\_\_\_\_ Grandparent designated as attorney in fact

State of Ohio ) ) ss:

County of \_\_\_\_\_) Subscribed, sworn to, and acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Notary Public

[Adoption date: June 4, 2015]

Notices Regarding Grandparent Power of Attorney

A power of attorney may be executed only if one of the following circumstances exists: (1)

The parent, guardian, or custodian of the child is: (a) Seriously ill, incarcerated or about to be incarcerated; (b) Temporarily unable to provide financial support or parental guidance to the child; (c) Temporarily unable to provide adequate care and supervision of the child because of the parent's, guardian's, or custodian's physical or mental condition; (d) Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable; or (e) In or about to enter a residential treatment program for substance abuse; (2) One of the child's parents is deceased and the other parent, with authority to do so, seeks to execute a power of attorney; or (3) The parent, guardian, or custodian has a well-founded belief that the power of attorney is in the child's best interest.

The signatures of the parent, guardian, or custodian of the child and the grandparent designated as the attorney in fact must be notarized by an Ohio notary public.

A parent, guardian, or custodian who creates a power of attorney must notify the parent of the child who is not the residential parent and legal custodian of the child unless one of the following circumstances applies: (a) the parent is prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code of the creation of the power of attorney; (b) the parent's parental rights have been terminated by order of a juvenile court pursuant to Chapter 2151. of the Revised Code; (c) the parent cannot be located with reasonable efforts; (d) both parents are executing the power of attorney. The notice must be sent by certified mail not later than five days after the power of attorney is created and must state the name and address of the person designated as the attorney in fact.

A parent, guardian, or custodian who creates a power of attorney must file it with the juvenile court of the county in which the attorney in fact resides, or any other court that has jurisdiction over the child under a previously filed motion or proceeding. The power of attorney must be filed not later than five days after the date it is created and be accompanied by a receipt showing that the notice of creation of the power of attorney was sent to the parent who is not the residential parent and legal custodian by certified mail.

A parent, guardian, or custodian who creates a second or subsequent power of attorney regarding a child who is the subject of a prior power of attorney must file the power of attorney with the juvenile court of the county in which the attorney in fact resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding. On filing, the court will schedule a hearing to determine whether the power of attorney is in the child's best interest.

This power of attorney does not affect the rights of the child's parents, guardian, or custodian regarding any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child.



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A person or entity that relies on this power of attorney, in good faith, has no obligation to make any further inquiry or investigation.

This power of attorney terminates on the occurrence of whichever of the following occurs first: (1) one year elapses following the date the power of attorney is notarized; (2) the power of attorney is revoked in writing by the person who created it; (3) the child ceases to live with the grandparent who is the

attorney in fact; (4) the power of attorney is terminated by court order; (5) the death of the child who is the subject of the power of attorney; or (6) the death of the grandparent designated as the attorney in fact.

If this power of attorney terminates other than by the death of the attorney in fact, the grandparent who served as the attorney in fact shall notify, in writing, all of the following:

- a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent;
- b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the other person or entity would reasonably rely on the power of attorney unless notified of the termination;
- c) The court in which the power of attorney was filed after its creation; and
- d) The parent who is not the residential parent and legal custodian of the child who is required to be given notice of its creation. The grandparent shall make the notifications not later than one week after the date the power of attorney terminates.

If this power of attorney is terminated by written revocation of the person who created it, or the revocation is regarding a second or subsequent power of attorney, a copy of the revocation must be filed with the court with which that power of attorney was filed.

### Additional information:

To the grandparent designated as attorney in fact:

If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this power of attorney. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the power of attorney unless notified. The notification must be made not later than one week after the child stops living with you.

You must include with the power of attorney the following information:

- (a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period;
- (b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for

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the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child;

- (c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state;
- (d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child
- (e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child or previously

have been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication.

To school officials:

Except as provided in section 3313.649 of the Revised Code, this power of attorney, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent designated as attorney in fact resides and that grandparent is authorized to provide consent in all school- related matters and to obtain from the school district educational and behavioral information about the child. This power of attorney does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child.

The school district may require additional reasonable evidence that the grandparent lives in the school district.

A school district or school official that reasonably and in good faith relies on this power of attorney has no obligation to make any further inquiry or investigation.

To health care providers:

1. A person or entity that acts in good faith reliance on a power of attorney to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the power of attorney, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the power of attorney is completed and the signatures of the parent, guardian, or custodian of the child and the grandparent designated as attorney in fact are notarized.
2. The decision of a grandparent designated as attorney in fact, based on a power of attorney, shall be honored by a health care facility or practitioner, school district, or school official.

### CARETAKER AUTHORIZATION AFFIDAVIT

*Use of this affidavit is required and authorized by sections 3109.65 to 3109.73 of the Ohio Revised Code. Completion of items 1-7 and the signing and notarization of this affidavit is sufficient to authorize the grandparent signing to exercise care, physical custody, and control of the child who is its subject, including authority to enroll the child in school, to discuss with the school district the child's educational progress, to consent to all school-related matters regarding the child, and to consent to medical, psychological, dental treatment for the child.*

The child named below lives in my home, I am 18 years of age or older, and I am the child's grandparent.

Name of child: \_\_\_\_\_

Child's date and year of birth: \_\_\_\_\_

Child's social security number (optional): \_\_\_\_\_

My name: \_\_\_\_\_

My home address: \_\_\_\_\_

My date and year of birth: \_\_\_\_\_

My Ohio driver's license number or identification card number: \_\_\_\_\_

Despite having made reasonable attempts, I am either:

Unable to locate or contact the child's parents, or the child's guardian or custodian; or

I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because paternity has not been established; or

I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because there is a custody order regarding the child and one of the following is the case:

The parent has been prohibited from receiving notice of a relocation; or

The parental rights of the parent have been terminated.

9. I hereby certify that this affidavit is not being executed for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic

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athletic programs provided by that school district.

I understand that this document does not authorize a child support enforcement agency to redirect child support payments. I further understand that to have an existing child support order modified or a new child support order issued administrative or judicial proceedings must be initiated.

**WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH.**

I declare that the foregoing is true and correct:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Grandparent

State of Ohio )

) ss:

County of )

County of ) Subscribed, sworn to, and acknowledged before me this \_\_\_\_ day of, \_\_\_\_, \_\_\_\_.

\_\_\_\_ Notary Public

[Adoption date: June 4, 2015]

#### NOTICE OF CARETAKER AUTHORIZATION

The grandparent's signature must be notarized by an Ohio notary public.

The grandparent who executed this affidavit must file it with the juvenile court of the county in which the grandparent resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding not later than five days after the date it is

executed.

This affidavit does not affect the rights of the child's parents, guardian, or custodian regarding the care, physical custody, and control of the child, and does not give the grandparent legal custody of the child.

A person or entity that relies on this affidavit, in good faith, has no obligation to make any further inquiry or investigation.

This affidavit terminates on the occurrence of whichever of the following occurs first: (1) the child ceases to live with the grandparent who signs this form; (2) the parent, guardian, or custodian of the child acts to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit, and the grandparent either voluntarily returns the child to the physical custody of the parent, guardian, or custodian or fails to file a complaint to seek custody within fourteen days (3) the affidavit is terminated by court order; (4) the death of the child who is the subject of the affidavit; or (5) the death of the grandparent who executed the affidavit.

A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

If this affidavit terminates other than by the death of the grandparent, the grandparent who signed this affidavit shall notify, in writing, all of the following:

- (a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent;
- (b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the person or entity would reasonably rely on the affidavit unless notified of the termination;
- (c) The court in which the affidavit was filed after its creation.

The grandparent shall make the notifications not later than one week after the date the affidavit terminates.

6. The decision of a grandparent to consent to or to refuse medical treatment or school enrollment for a child is superseded by a contrary decision of a parent, custodian, or guardian of the child, unless the decision of the parent, guardian, or custodian would jeopardize the life, health, or safety of the child.

**Additional information:**

To caretakers:

If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this affidavit. You are also required to notify, in writing, any other person or entity that has an ongoing

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relationship with you or the child such that the person or entity would reasonably rely on the affidavit unless notified. The notifications must be made not later than one week after the child stops living with you.

If you do not have the information requested in item 7 (Ohio driver's license or identification card), provide another form of identification such as your social security number or medicaid number.

You must include with the caretaker authorization affidavit the following information:

- (a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period;
- (b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child;
- (c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state
- (d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child;
- (e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child's being an abused child or a neglected child or previously have been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication.

4. If the child's parent, guardian, or custodian acts to terminate the caretaker authorization affidavit by delivering a written notice of negation, reversal, or disapproval of an action or decision of yours or removes the child from your home and if you believe that the termination or removal is not in the best interest of the child, you may, within fourteen days, file a complaint in the juvenile court to seek custody. You may retain physical custody of the child until the fourteen-day period elapses or, if you file a complaint, until the court orders otherwise.

To school officials:

- 3. This affidavit, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent who signed this affidavit resides and the grandparent is authorized to provide consent in all school-related matters and to discuss with the school district the child's educational progress. This affidavit does not preclude the parent, guardian, or custodian of the child from having access to all school records

pertinent to the child.

4. The school district may require additional reasonable evidence that the grandparent lives at the address provided in item 5 of the affidavit.
5. A school district or school official that reasonably and in good faith relies on this affidavit has no obligation to make any further inquiry or investigation.
6. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

To health care providers:

1. A person or entity that acts in good faith reliance on a CARETAKER AUTHORIZATION AFFIDAVIT to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the affidavit, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the applicable portions of the form are completed and the grandparent's signature is notarized.
2. The decision of a grandparent, based on a CARETAKER AUTHORIZATION AFFIDAVIT, shall be honored by a health care facility or practitioner, school district, or school official unless the health care facility or practitioner or educational facility or official has actual knowledge that a parent, guardian, or custodian of a child has made a contravening decision to consent to or to refuse medical treatment for the child.
3. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

File: JG

## STUDENT ATTENDANCE/ABSENCES AND EXCUSES

Regular attendance by all students is very important. In many cases, irregular attendance is the major reason for poor schoolwork; therefore, all students are urged to make appointments, do personal errands, etc., outside of school hours.

Attendance is defined as student participation and recorded learning hours (whether activities were completed on or off the computer). Attendance is:

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- meeting and recording the benchmark target hours and
- weekly contact with each assigned teacher.

Each student is required to contact his/her assigned teacher weekly. Contact is defined as: e-mail, chat, submitted assignment or posted message on the class message board. If a student experiences technical problems, the attendance officer will take this into consideration when evaluating absences. The attendance policy provides specifics regarding active participation and truancy. A detailed attendance policy is in place and there will be monthly internal audits on a sample of the student body to verify active participation. Students are expected to complete at least six units every week that school is in session. Full time students are expected to complete 920 hours of learning opportunities in a school year.

### **Automatic Withdrawal for Lack of Participation**

The Ohio Revised Code requires community schools to adopt a procedure for automatically withdrawing a student from the school if the student, without legitimate excuse, fails to participate in seventy-two (72) cumulative hours of the learning opportunities offered to the student.

Any student who does not participate in a school activity for seventy-two (72) consecutive hours will be automatically withdrawn from the Findlay Digital Academy. The student's guardian will be notified by mail that such a withdrawal occurred. Notice of the withdrawal will also be sent to the residential school at that time. The student and/or guardian must return all issued school equipment within one week of the withdrawal and immediately enroll the student in an accredited Ohio school.

If after a student has been automatically withdrawn due to lack of participation seeks to re-enroll at FDA, that student can re-enroll the following semester, but must be placed on a participation correction plan.

School participation is indicated by submitting a minimum of six units per week.

Attendance is defined as student participation in monitored and recorded educational activities completed both on the computer and off the computer. Educational activities will be recorded in a student's learning log. The following descriptions will help define the different environments in which educational activities will be recorded.

Reasons for which students may be excused include, but are not limited to:

- personal illness of the student;
- illness in the student's family;



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- death in the family;
- quarantine for contagious disease;
- religious reasons or
- other reasons as determined by the Executive Director/Superintendent.

There are three components to the attendance policy. Each student will need to meet the following standards to remain a student in good standing:

- Students will need to record a minimum number of learning hours for each identified benchmark segment during the school year. Benchmark target hours and their due dates are listed on the school calendar and will also be listed in the learning log.
- Students will be required to participate in each class. (A student's week is defined as Sunday through Saturday.)
- Students will need to make an entry in their learning logs for each day of the calendar year (excluding Christmas and Spring Break). The attendance officer will contact students who fail to make the required entries for five consecutive days. If warranted, the student will receive an attendance warning.

Summary: In order to remain in good standing, each student will need to:

- participate weekly in each class
- record his/her learning hours each day
- log the targeted benchmark hours throughout the year.

[Adoption date: May 10, 2005]

[Reviewed: June 4, 2015]

[Revised: October 5, 2017]

[Revised: August 2, 2018]

[Revision: December 5, 2019]

LEGAL REFS.: ORC 3321.01; 3321.04; 3321.13; 3321.14; 3321.38  
4507.061

OAC 3301-35-02; 3301-35-03, 3301-51-13

File: JH

### HABITUAL TRUANCY INTERVENTION STRATEGIES

The Board of Directors, after consulting with various local county juvenile courts, parents, guardians, or other persons having care of the students enrolled at Findlay Digital Academy, and appropriate state and local agencies, has established this policy in order to provide guidance to employees in addressing and ameliorating student absences.

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

On the request of the Superintendent, or when it comes to the attention of the school attendance officer or other appropriate officer of the School, the designated officer is required to investigate any case of supposed truancy within the School and must warn the child, if found truant, and the child’s parent, guardian, or other person having care of the child in writing of the legal consequences of being truant. The notice must also inform the parent, guardian, or other person having care of the child that he/she shall cause the child’s attendance at school immediately.

When it has been determined that a child has been truant and that the parent, guardian or other person having care of a child has failed to ensure the child’s attendance at school after being notified, the Superintendent may require the parent to attend a specified parental educational program established according to the rules adopted by the State Board of Education for the purpose of encouraging parental involvement in compelling the attendance of the child at school. Therefore, if directed by the Superintendent, the attendance officer must send notice requiring the child’s parent to attend a parental education program.

### HABITUAL TRUANCY

Upon the failure of the parent, guardian, or other person having care of the child to cause the child’s attendance at school, if the child is deemed to be an habitual truant, Findlay Digital Academy is required, within ten days, to assign the student to an absence intervention team, as described in O.R.C. §3321.191(c). Further, the attendance officer shall file a complaint with the proper county juvenile court. If a complaint is filed, it shall allege that:

1. The child is unruly for being an habitual truant; and
2. The parent, guardian, or other person having care of the child has violated O.R.C. §3321.38.

Absence intervention strategies shall include all of the following actions, if applicable:

1. Providing a truancy intervention plan for any student who is excessively absent from school, as described in O.R.C. §3321.191(c);
2. Providing counseling for an habitual truant;
3. Requesting or requiring a parent of guardian, or other person having care of an habitual truant to attend parental involvement programs, including programs adopted under O.R.C. §3313.472 or 3313.633;
4. Requesting or requiring a parent, guardian, or other person having care of an habitual truant to attend truancy prevention mediation programs;
5. Notification of the registrar of motor vehicles under O.R.C. §3321.13;
6. Taking legal action pursuant to O.R.C. §§2919.222, 3321.20, or 3321.38.

#### Notice of Absences

In the event that a child of compulsory school age is absent with a non-medical excuse or without legitimate excuse from the school the child is supposed to attend for thirty-eight (38) or more hours in one school month, or sixty-five (65) or more hours in a school year, the attendance officer of the School shall notify the child's parent, guardian, or custodian of the child's absences, in writing, within seven (7) days after the date after the absence that triggered the notice requirement. At the time notice is given, the School also may take any appropriate action as an intervention strategy, as provided in this Policy.

#### Absence Intervention Plan

If the absences of a student surpass the threshold for an habitual truant as set forth in this Policy, the student's principal or the Superintendent shall assign the student to an absence intervention team. Within fourteen (14) school days after the assignment of a student to an absence intervention team, the team shall develop an intervention plan for that student in an effort to reduce or eliminate further absences. Each intervention plan shall vary based on the individual needs of the student, but the plan shall state that the attendance officer shall file a complaint not later than sixty-one (61) days after the date the plan was implemented, if the child has refused to participate in, or failed to make satisfactory progress on, the intervention plan or an alternative to adjudication, as set forth below. Within seven (7) days after the development of the plan, the School shall make reasonable efforts to provide the student's parent, guardian, custodian, guardian ad litem, or temporary custodian with written notice of the plan.

As part of the absence intervention plan, the School, in its discretion, may contact the appropriate juvenile court and ask to have a student informally enrolled in any alternative to adjudication described in O.R.C. §2151.27(G). If the School chooses to have students informally enrolled in an alternative to adjudication, the School shall develop a written policy regarding the use of, and selection process for, offering alternatives to adjudication to ensure fairness.

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Absence Intervention Team

The Superintendent, or the Superintendent's designee, shall establish an absence intervention team for the School to be used by any schools of the School that do not establish their own absence intervention team. Membership of each absence intervention team may vary based on the needs of each individual student, but shall include a representative from the School, another representative from the School who knows the child, and the child's parent or parent's designee, or the child's guardian, custodian, guardian ad litem, or temporary custodian. The team also may include a school psychologist, counselor, social worker, or representative of a public or nonprofit agency designed to assist students and their families in reducing absences.

The principal may establish an absence intervention team or series of teams to be used in lieu of the School team established under this Policy. Membership of each absence intervention team may vary based on the needs of each individual student, but shall include a representative from the School, another representative from the School who knows the child, and the child's parent or parent's designee, or the child's guardian, custodian, guardian ad litem, or temporary custodian. The team also may include a school psychologist, counselor, social worker, or representative of a public or nonprofit agency designed to assist students and their families in reducing absences.

The Superintendent or principal shall select the members of an absence intervention team within seven (7) school days of the triggering event. The Superintendent or principal, within the same period of seven (7) school days, shall make at least three (3) meaningful, good faith attempts to secure the participation of the student's parent, guardian, custodian, guardian ad litem, or temporary custodian on that team. If the student's parent responds to any of those attempts, but is unable to participate for any reason, the representative of the School shall inform the parent of the parent's right to appear by designee. If seven (7) school days elapse, and the student's parent, guardian, custodian, guardian ad litem, or temporary custodian fails to respond to the attempts to secure participation, the School shall do both of the following:

1. Investigate whether the failure to respond triggers mandatory reporting to the public children services agency for the county in which the child resides in the manner described in O.R.C. §2151.421; and
2. Instruct the absence intervention team to develop an intervention plan for the child notwithstanding the absence of the child's parent, guardian, custodian, guardian ad litem, or temporary custodian.

In the event that a student becomes habitually truant within twenty-one (21) school days prior to the last day of instruction of a school year, the School may, in its discretion, assign one (1) school official to work with the child's parent, guardian, custodian, guardian ad litem, or temporary custodian to develop an absence intervention plan during the summer. If the School selects this method, the plan shall be implemented not later than seven (7) days prior to the first day of instruction of the next school year. In the alternative, the School may toll the time periods to accommodate for the summer months and reconvene the absence intervention process upon the first day of instruction of the next school year.

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The School may consult or partner with public and nonprofit agencies to provide assistance as appropriate to students and their families in reducing absences.

Beginning with the 2017–2018 school year, the School shall report to the Ohio Department of Education, as soon as practicable, and in a format and manner determined by the Department, any of the following occurrences:

1. When a notice of extended absences is submitted to a parent, guardian, or custodian;
2. When a child of compulsory school age has been absent without legitimate excuse from the school the child is supposed to attend for thirty (30) or more consecutive hours, forty-two (42) or more hours in one (1) school month, or seventy-two (72) or more hours in a school year;
3. When a child of compulsory school age who has been adjudicated an unruly child for being an habitual truant violates the court order regarding that adjudication;
4. When an absence intervention plan has been implemented for a child under this Policy.

**Nothing in this policy shall be construed to limit the authority of the Superintendent or designee to develop or utilize other strategies to respond to student truancy.**

LEGAL REFS: O.R.C. §§3321.19; 3321.191; 2151.011

[Adopted: December 5, 2019]

### HABITUAL TRUANCY INTERVENTION STRATEGIES

The Board of Directors, after consulting with various local county juvenile courts, parents, guardians, or other persons having care of the students enrolled at Findlay Digital Academy, and appropriate state and local agencies, has established this policy in order to provide guidance to employees in addressing and ameliorating student absences.

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

On the request of the Superintendent, or when it comes to the attention of the school attendance officer or other appropriate officer of the School, the designated officer is required to investigate any case of supposed truancy within the School and must warn the child, if found truant, and the child’s parent, guardian, or other person having care of the child in writing of the legal consequences of being truant. The notice must also inform the parent, guardian, or other person having care of the child that he/she shall cause the child’s attendance at school immediately.

When it has been determined that a child has been truant and that the parent, guardian or other person having care of a child has failed to ensure the child’s attendance at school after being notified, the Superintendent may require the parent to attend a specified parental educational program established according to the rules adopted by the State Board of Education for the purpose of encouraging parental involvement in compelling the attendance of the child at school. Therefore, if directed by the Superintendent, the attendance officer must send notice requiring the child’s parent to attend a parental education program.

### HABITUAL TRUANCY

Upon the failure of the parent, guardian, or other person having care of the child to cause the child’s attendance at school, if the child is deemed to be an habitual truant, Findlay Digital Academy is required, within ten days, to assign the student to an absence intervention team, as described in O.R.C. §3321.191(c). Further, the attendance officer shall file a complaint with the proper county juvenile court. If a complaint is filed, it shall allege that:

1. The child is unruly for being an habitual truant; and
2. The parent, guardian, or other person having care of the child has violated O.R.C. §3321.38.

Absence intervention strategies shall include all of the following actions, if applicable:

1. Providing a truancy intervention plan for any student who is excessively absent from school, as described in O.R.C. §3321.191(c);

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2. Providing counseling for an habitual truant;
3. Requesting or requiring a parent of guardian, or other person having care of an habitual truant to attend parental involvement programs, including programs adopted under O.R.C. §3313.472 or 3313.633;
4. Requesting or requiring a parent, guardian, or other person having care of an habitual truant to attend truancy prevention mediation programs;
5. Notification of the registrar of motor vehicles under O.R.C. §3321.13;
6. Taking legal action pursuant to O.R.C. §§2919.222, 3321.20, or 3321.38.

### Notice of Absences

In the event that a child of compulsory school age is absent with a non-medical excuse or without legitimate excuse from the school the child is supposed to attend for thirty-eight (38) or more hours in one school month, or sixty-five (65) or more hours in a school year, the attendance officer of the School shall notify the child's parent, guardian, or custodian of the child's absences, in writing, within seven (7) days after the date after the absence that triggered the notice requirement. At the time notice is given, the School also may take any appropriate action as an intervention strategy, as provided in this Policy.

### Absence Intervention Plan

If the absences of a student surpass the threshold for an habitual truant as set forth in this Policy, the student's principal or the Superintendent shall assign the student to an absence intervention team. Within fourteen (14) school days after the assignment of a student to an absence intervention team, the team shall develop an intervention plan for that student in an effort to reduce or eliminate further absences. Each intervention plan shall vary based on the individual needs of the student, but the plan shall state that the attendance officer shall file a complaint not later than sixty-one (61) days after the date the plan was implemented, if the child has refused to participate in, or failed to make satisfactory progress on, the intervention plan or an alternative to adjudication, as set forth below. Within seven (7) days after the development of the plan, the School shall make reasonable efforts to provide the student's parent, guardian, custodian, guardian ad litem, or temporary custodian with written notice of the plan.

As part of the absence intervention plan, the School, in its discretion, may contact the appropriate juvenile court and ask to have a student informally enrolled in any alternative to adjudication described in O.R.C. §2151.27(G). If the School chooses to have students informally enrolled in an alternative to adjudication, the School shall develop a written policy regarding the use of, and selection process for, offering alternatives to adjudication to ensure fairness.

### Absence Intervention Team

The Superintendent, or the Superintendent's designee, shall establish an absence intervention team for the School to be used by any schools of the School that do not establish their own

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absence intervention team. Membership of each absence intervention team may vary based on the needs of each individual student, but shall include a representative from the School, another representative from the School who knows the child, and the child's parent or parent's designee, or the child's guardian, custodian, guardian ad litem, or temporary custodian. The team also may include a school psychologist, counselor, social worker, or representative of a public or nonprofit agency designed to assist students and their families in reducing absences.

The principal may establish an absence intervention team or series of teams to be used in lieu of the School team established under this Policy. Membership of each absence intervention team may vary based on the needs of each individual student, but shall include a representative from the School, another representative from the School who knows the child, and the child's parent or parent's designee, or the child's guardian, custodian, guardian ad litem, or temporary custodian. The team also may include a school psychologist, counselor, social worker, or representative of a public or nonprofit agency designed to assist students and their families in reducing absences.

The Superintendent or principal shall select the members of an absence intervention team within seven (7) school days of the triggering event. The Superintendent or principal, within the same period of seven (7) school days, shall make at least three (3) meaningful, good faith attempts to secure the participation of the student's parent, guardian, custodian, guardian ad litem, or temporary custodian on that team. If the student's parent responds to any of those attempts, but is unable to participate for any reason, the representative of the School shall inform the parent of the parent's right to appear by designee. If seven (7) school days elapse, and the student's parent, guardian, custodian, guardian ad litem, or temporary custodian fails to respond to the attempts to secure participation, the School shall do both of the following:

1. Investigate whether the failure to respond triggers mandatory reporting to the public children services agency for the county in which the child resides in the manner described in O.R.C. §2151.421; and
2. Instruct the absence intervention team to develop an intervention plan for the child notwithstanding the absence of the child's parent, guardian, custodian, guardian ad litem, or temporary custodian.

In the event that a student becomes habitually truant within twenty-one (21) school days prior to the last day of instruction of a school year, the School may, in its discretion, assign one (1) school official to work with the child's parent, guardian, custodian, guardian ad litem, or temporary custodian to develop an absence intervention plan during the summer. If the School selects this method, the plan shall be implemented not later than seven (7) days prior to the first day of instruction of the next school year. In the alternative, the School may toll the time periods to accommodate for the summer months and reconvene the absence intervention process upon the first day of instruction of the next school year.

The School may consult or partner with public and nonprofit agencies to provide assistance as appropriate to students and their families in reducing absences.



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Beginning with the 2017–2018 school year, the School shall report to the Ohio Department of Education, as soon as practicable, and in a format and manner determined by the Department, any of the following occurrences:

1. When a notice of extended absences is submitted to a parent, guardian, or custodian;
2. When a child of compulsory school age has been absent without legitimate excuse from the school the child is supposed to attend for thirty (30) or more consecutive hours, forty-two (42) or more hours in one (1) school month, or seventy-two (72) or more hours in a school year;
3. When a child of compulsory school age who has been adjudicated an unruly child for being an habitual truant violates the court order regarding that adjudication;
4. When an absence intervention plan has been implemented for a child under this Policy.

**Nothing in this policy shall be construed to limit the authority of the Superintendent or designee to develop or utilize other strategies to respond to student truancy.**

LEGAL REFS: O.R.C. §§3321.19; 3321.191; 2151.011

[Adopted: December 5, 2019]

STUDENT ATTENDANCE ACCOUNTING  
(Missing and Absent Children)

The Board believes in the importance of trying to decrease the number of missing children; therefore, efforts are made to identify missing children and to notify the proper adults or agencies.

At the time of initial entry into school, a student shall present to the person in charge of admission an official copy of a birth certificate and copies of those records pertaining to him/her, which were maintained by the school, which he/she most recently attended. In lieu of a birth certificate, birth documentation may include:

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

If the student does not present copies of the required documents, the Coordinator shall call the school from which the student transferred and request the information. If that district has no record on file of the student or if that district does not send the records within 14 days, the Coordinator shall notify the law enforcement agency having jurisdiction in the area where the student resides of the possibility that the student might be a missing child.

The primary responsibility for supervision of a student resides with his/her parent(s). The staff provides as much assistance as is reasonable to parents with this responsibility.

[Adoption date: May 10, 2005]

[Reviewed: June 4, 2015]

LEGAL REFS.: ORC 109.65  
2901.30  
3313.205; 3313.672; 3313.96

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3319.321; 3319.322  
3321.12, 3705.05

## TRACKING MISSING CHILDREN

Ohio law requires the School to assist in finding missing children. When the School is notified by a law enforcement agency that a missing child report has been filed and the missing child report regards a student who is currently or was previously enrolled in the School, the person in charge of admission at the School shall mark that student's records. Marks should be made according to Form JJ, Missing Child Report "Marking" Form. The mark shall be made so as to alert any school official that is responding to a records request that the school records belong to a missing child.

Upon receiving any request for a copy of or request for information regarding a student's records that have been marked, the person in charge of admission immediately shall report the request to the law enforcement agency that notified the School that the student is a missing child. When forwarding information from the student's records in response to a request, the person in charge of admission shall forward such information in such a way that the receiving district or school would be unable to discern that the student's records are marked. The school official, however, shall retain the mark in the student's records until the School is notified that the student is no longer a missing child.

When the law enforcement agency notifies the School that a student is no longer a missing child, the person in charge of admission shall remove the mark from the student's records, and destroy the mark securely.

*Ohio: R.C. 3313.672.*

[Adoption date: June 4, 2015]

[Reviewed and readopted: April 1, 2019]

## MISSING CHILD REPORT 'MARKING' FORM

This child has been reported missing by a law enforcement agency. This form must be attached to the child's records. Please read and complete this entire form before completing any records request.

Name of Child: \_\_\_\_\_ Date : \_\_\_\_\_ Law  
Enforcement Agency: \_\_\_\_\_ Law Enforcement Agency  
Contact Information: \_\_\_\_\_

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## Requests for Information – PLEASE READ

**Upon any request for this child's records, the School is required to report the information to the law enforcement agency identified above. This form and any information pertaining to the child's missing status shall not be sent with the child's file. This form shall, however, be retained in the child's file.** Please complete for each request of the child's file.

Requesting Party	Date of Request	Date/Method Law Enforcement was Notified	Confirm this Form was excluded from file to Requestor	School Official Signature

Upon being informed by a law enforcement agency that the student is not missing, this form must be removed from the child's file and destroyed securely. Please sign upon receiving information that the child is no longer missing.

Notification Date: \_\_\_\_\_ Law Enforcement Agency: \_\_\_\_\_

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

[Adoption date: June 4, 2015]. [Reviewed and Readopted: April 1, 2019]

## EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE

A child of compulsory school age residing in the Findlay City School District may be legally excused from public school attendance by:

- holding a full-time age and schooling certificate (GED) and being regularly employed;
- receiving approved home instruction;
- attending a private or parochial school or
- having graduated from an approved high school.

The Findlay Digital Academy may temporarily deny admittance to any student who is otherwise entitled to be admitted to the Findlay Digital Academy if the student has been suspended or expelled from the schools of another district in the State of Ohio or an out-of-state district and if the period of suspension or expulsion has not expired. The student and parent(s) will have an opportunity for a hearing before the Executive Director/Superintendent/designee to determine the admittance or nonadmittance of the student.

[Adoption date : May 10, 2005]

[Reviewed: June 4, 2015]

LEGAL REFS.: ORC 3321.02; 3321.03; 3321.04; 3321.07

## PERMANENT EXCLUSION

In accordance with the law, the Board may seek to permanently exclude a student 16 years of age or older who has been convicted of or adjudicated for any the following offenses:

- carrying a concealed weapon or conveying or possessing a deadly weapon or dangerous ordnance on property owned or controlled by the school or at an activity held under the auspices of this Board;
- possessing, selling, or offering to sell controlled substances on property owned or controlled by the school or at an activity under the auspices of this Board, including on-line, via school equipment or
- complicity to commit any of the above offenses, regardless of where the complicity occurred.

In accordance with the law, when any student, 16 years of age or older, has been convicted of or adjudicated delinquent resulting from any of the above offenses, the Executive Director/Superintendent shall submit a written recommendation to the Board that the student should be permanently excluded from the school. The recommendation is to be accompanied by the evidence, other information required by statute, and the name and position of the person who should present the school's case. The Board, after considering all the evidence, including the hearing of witnesses, shall take action within 14 days after receipt of the Executive Director/Superintendent's recommendation.

If the Board adopts the resolution, the Executive Director/Superintendent shall submit it to the State, together with the required documents and the name of the person designated by the Board as its representative to present the case to the State. A copy of the resolution shall be sent to both the student and his/her parents.

If the State rejects the Board's request, the school shall readmit the student in accordance with statute and Board guidelines.

[Adoption date: May 10, 2005]

[Reviewed: June 4, 2015]

[Reviewed and readopted: April 1, 2019]

LEGAL REFS.: ORC 3313.66; 3313.661; 3313.662

## STUDENT RIGHTS AND RESPONSIBILITIES

Students, like all citizens, have civil rights guaranteed by the Constitution of the United States. The First Amendment, which ensures the freedom of religion, speech, press, assembly and petition, and the Fourteenth Amendment, which guarantees due process and equal protection, apply in school environments.

The rights of an individual are preserved only by the protection and preservation of the rights of others. A student is responsible for the way rights are exercised and must accept the consequences of actions and recognize the boundaries of rights. Each exercise of an individual's rights must demonstrate respect for the rights of others.

As part of the educational process, students should be made aware of their legal rights and of the legal authority of the Board to make rules and delegate authority to its staff to make rules necessary for the orderly operation of the schools.

A copy of the school discipline code is available electronically for each student. This code describes in detail the offenses such as truancy, tardiness, property damage, etc., for which disciplinary action may be taken. Copies of the code are available to any parent in the Findlay Digital Academy office.

[Adoption date: May 10, 2005]

[Reviewed: June 4, 2015]

LEGAL REFS.: U.S. Const. Amend. I  
U.S. Const. Amend. XIV, Section 1  
ORC 3313.20; 3313.66; 3313.661; 3313.662



## STUDENT DUE PROCESS RIGHTS

The Board and school officials have the legal authority to deal with disruptive students and student misconduct. Due process, in the context of administrative proceedings carried out by school authorities, does not mean that the procedures used by the courts in juvenile proceedings must be followed. The Ohio and Federal Rules of Evidence do not apply.

Students have clearly established means by which administrative due process is available for the protection of his/her rights.

Due process procedures are:

- applied equally to all and
- enforced in a manner, which involves:
  - A. adequate and timely notice and opportunity to prepare a defense;
  - B. an opportunity to be heard at a reasonable time and in a meaningful manner and
  - C. the right to a speedy and impartial hearing on the merits of the case.

In cases of student suspension or expulsion, the specific due process procedures set by the Board's policy are followed.

[Adoption date: May 10, 2005]

[Reviewed: June 4, 2015]

LEGAL REFS.: ORC Chapter 2506  
3313.66; 3313.661; 3313.662  
OAC 3301-35-03(G)(2)(c)

## STUDENT CONDUCT (Zero Tolerance)

Students are expected to adhere to behaviors and policies appropriate to a well-functioning democratic society. Each student will have an online student handbook that outlines and defines the rules and regulations for student behavior. It also defines the rights and responsibilities of the students, the parents, the staff and the school. Students and custodial parents will be required to acknowledge that they have read the handbook and are aware of its content. Questions regarding the content will be addressed by the school's administrative staff.

Students are expected to conduct themselves in such a way that they respect and consider the rights of others. Students of the Findlay Digital Academy must conform to school regulations and accept directions from authorized school personnel. The Board has “zero tolerance” of violent, disruptive or inappropriate behavior by its students. While on Findlay City School District property, the Findlay Digital Academy students must comply with all Findlay City School District policies, rules, procedures and regulations.

A student who fails to comply with established school rules or with any reasonable request made by school personnel while utilizing school property and/or at school-related events is subject to approved student discipline regulations. The Executive Director/Superintendent/designee develops regulations, which establish strategies ranging from prevention to intervention to address student misbehavior.

Students and parents receive, at the beginning of each school year or upon entering during the year, written information on the rules and regulations to which they are subjects while in school or participating in any school-related activity or event. The information includes the types of conduct, which are subject to suspension or expulsion from school or other forms of disciplinary action. The Board directs the administration to make all students aware of the Student Code of Conduct and the fact that any violations of the Student Code of Conduct are punishable. The rules also apply to any form of student misconduct directed at a School or Findlay School District official or employee or the property of the School or a Findlay School District official or employee, regardless of where the misconduct occurs.

If a student violates this policy or the Student Code of Conduct, school personnel, students or parents should report the student to the appropriate principal. The administration cooperates in any prosecution pursuant to the criminal laws of the State of Ohio and local ordinances.

A student may be expelled for up to one year if he/she commits an act that inflicts serious physical harm to persons or property if it was committed at school, on other school property or at a school activity, event or program.

The Executive Director/Superintendent is authorized to expel a student from school for a period not to exceed one year for making a bomb threat to a school building, or to any premises at which a school activity is occurring at the time of the threat. Any expulsion under this provision

## Findlay Digital Academy

extends, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

Matters, which might lead to a reduction of the expulsion period, include: the student's mental and/or physical characteristics or conditions; the age of the student and its relevance to the punishment; the prior disciplinary history of the student and/or the intent of the perpetrator.

The Student Code of Conduct is made available to students and parents and is posted on line.

[Adoption date: May 10, 2005]

[Reviewed: June 4, 2015]

LEGAL REFS. The Elementary and Secondary Education Act; 20 USC 1221 et seq.  
Children's Internet Protection Act; (P.L. 106-554, HR 4577, 2000,  
114 Stat 2763)  
ORC 3313.20; 3313.534; 3313.66; 3313.661; 3313.662  
OAC 3301-35-03

STUDENT CONDUCT  
(Zero Tolerance)  
SUSPENSION AND EXPLUSION

The Findlay Digital Academy recognizes that exclusion from the educational program of any school, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student and cannot be imposed without due process.

Students in a digital classroom are not hampered by time and space. They do not have to be in a classroom at a specific time in order to complete their work. They can work during the times that are most convenient for them. However, Findlay Digital Academy students must maintain progress in their academic endeavors and communicate regularly with their teachers. Although much of the school year will be spent in a digital environment, there will be occasions during which students will be in the presence of other students and staff members at school-related activities. Our rules and regulations are necessary to assure a positive learning environment; they are in place to protect every student's opportunity to learn. Whenever behavior interferes with the learning environment, consequences will result. Reasons for suspension and possible expulsion may include but are not limited to the following:

- Any repeated offenses for which the student has been previously suspended
- excessive absenteeism
- truancy
- misuse of or vandalizing school property
- disruption of school or school-related activities
- threatening or intimidating students or staff
- sexual harassment
- removing or altering official school documents or records
- assault
- immoral act
- calling in bomb threats
- violation of the school policies
- possession of deadly weapons at school-sponsored functions
- cheating or plagiarism
- hazing
- bullying

Definitions:

Suspension:

\*Duration of greater than 24 hours, but less than 10 days.

\*Temporary exclusion of a student from all school-related activities, accompanied by disabling the student's computer.

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### Expulsion:

\*Duration of greater than 10 days.

\* The withdrawal of a student from all school-related activities, accompanied by disabling the student's computer.

Student behavior that might be disruptive to the learning of others or might pose a possible danger to others may necessitate that the student receive all of his/her instruction online from his/her home environment.

[Approval date: May 10, 2005]

[Revised: February 28, 2008]

[Revised: June 4, 2015]

## HAZING, HARASSMENT, INTIMIDATION AND BULLYING

The School seeks to create and maintain an environment that promotes learning, dignity and respect. This environment is interfered with when one is physically or emotionally harmed. The school recognizes the seriousness of harassment, intimidation, or bullying, electronic or otherwise. Therefore, the School prohibits acts of harassment, intimidation, or bullying of any student on school property, on a school bus, or at school-sponsored events. School-sponsored events may be conducted on or off School property and/or on school-related vehicles that are recognized or authorized by the Governing Authority.

This policy was developed in consultation with parents, guardians, school employees, school volunteers, students, and other community members in order to combat acts of harassment, intimidation, or bullying.

Any student found responsible for harassment, intimidation, bullying or “bullying by electronic act” will be subject to discipline including suspension and/or expulsion.

“Harassment, intimidation, or bullying” is defined as either:

- any intentional written, verbal, electronic, or physical act that a student has exhibited toward another particular student more than once and the behavior both: (1) causes mental or physical harm to the other student and (2) is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student; or
- violence within a dating relationship.
- “Electronic act” or “bullying by electronic act” or “cyber bullying” are defined as an act committed through use of a cellular or mobile telephone, computer, pager, personal communication device, or other electronic communication device.

### Promoting Civility

In an effort to promote civility in the school environment, the School seeks to recognize school administrators, faculty, staff, and volunteers that promote civility and stand up to harassment, intimidation, and bullying.

### Procedure for Reporting, Investigating & Documenting Harassment and Bullying

The procedure for reporting harassment, intimidation, and bullying varies by one’s affiliation with the School. Students, school personnel, and volunteers *must* report incidents to the Executive Director/Superintendent or his/her designee. All other individuals are strongly encouraged to report prohibited incidents to the Executive Director/Superintendent or his/her

Findlay Digital Academy  
designee.

Reports may be made in two ways. First, the report may be made using the Form JQ, Reporting Acts of Harassment. The Form shall be submitted to any staff member, teacher, or administrator. Upon receiving the report, the staff member must immediately send the report to the Executive Director/Superintendent. Second, students, parents or guardians, and school personnel may make informal complaints to a school staff member or administrator. Informal complaints must be described with specificity as to the action, the persons involved, the number of times the alleged conduct occurred, where it occurred, and the individuals targeted. The staff member that receives the informal report must immediately document it using Form **JQ**, Reporting Acts of Harassment. Anonymous complaints may be made as an individual finds necessary.

Upon receiving the report, the Executive Director/Superintendent or his/her designee shall promptly and thoroughly investigate the alleged incident and then prepare a report documenting the alleged incident. Upon completing the investigation, a determination shall be made. If the investigation substantiates the claim, the School shall notify all custodial parents or guardians involved in the incident. The custodial parent or guardian of any student involved in a confirmed act will be notified and will have access to any written reports pertaining to the confirmed act to the extent permitted by section 3319.321 of the Revised Code and the “Family Educational Rights and Privacy Act of 1974,” (20 U.S.C. 1232g), as amended.

On a semiannual basis, the Executive Director/Superintendent shall provide the President of the Governing Authority with a summary of all reported acts and post the summary on its web site, if the district has a web site, to the extent permitted by section 3319.321 of the Revised Code and the “Family Educational Rights and Privacy Act of 1974,” (20 U.S.C. 1232g).

#### Procedure for Responding to and Disciplining Acts

Acts of harassment, intimidation, and bullying, electronic or otherwise, vary in scope and seriousness. As a result, each incident requires its own discipline. The extent of the discipline is to be determined at the sole professional discretion of the Executive Director/Superintendent. The Executive Director/Superintendent may consider the following types of intervention for confirmed acts.

Non-disciplinary intervention may be appropriate when acts are identified early or do not require a disciplinary response. Such forms of non-disciplinary intervention include:

- *Counseling.* A student may be counseled as to the definition of harassment, intimidation or bullying, its prohibition and the student’s duty to avoid any conduct that could be considered harassing, intimidating, or bullying.
- *Peer Mediation.* Peer mediation may be used when a conflict arises between students or groups. Peer mediation, however, may be inappropriate and should be used cautiously as a power imbalance may make the process intimidating for the victim. This could be true if the victim’s communicative skills and assertiveness are low and have been eroded by fear from past intimidation and of future intimidation.

Disciplinary intervention may take a wide number of forms.

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- *In and out-of-school Suspension.* Suspensions shall follow the procedure outlined in , Suspension and Expulsion Policy.
- *Expulsion.* Expulsions shall follow the procedure outlined in Suspension and Expulsion Policy. Expulsions shall be reserved for (1) serious incidents and/or (2) when past interventions have not been successful in eliminating prohibited behaviors. The disciplinary procedure shall not infringe on any student's rights under the First Amendment to the Constitution of the United States. Due process procedures for suspension and expulsion, as provided for under R.C. 3313.66 will be followed.

## Deliberately False Reports are Prohibited

Students are prohibited from deliberately making false reports of harassment, intimidation, or bullying. Students that do make a false report shall be subject to the disciplinary procedure set forth in the School's Policy on Student Discipline.

## Strategy for Protecting Victims and Prohibiting Retaliation or Additional Harassment

After a report is made, the School prohibits additional acts of harassment, intimidation, or bullying, electronic or otherwise. The Executive Director/Superintendent shall determine the appropriate consequences and remedial action for those who engage in the aforementioned conduct by following the School's policies and procedures. To aid in preventing additional acts against victims and retaliatory acts against individuals making reports, the School has adopted the following strategy:

- Provide adult supervision when students are not in a traditional classroom setting including: hallway passage, recess, lunch, and bathroom breaks.
- Communicate incidents with school personnel, have school personnel continue to monitor those involved for further signs of offending behavior, and intervene when offending behavior is witnessed.
- For offending students, fairly monitor and supervise.
- For the victim(s), provide daily contact to ensure there have been no further incidents and provide counseling as is determined necessary.
- For those that make reports, continue contact to ensure there have been no further incidents or retaliatory conduct.
- Allow individuals to make an anonymous report.
- All School personnel, volunteers, and students shall be individually immune from civil liability in an action from damages arising from reporting an incident as provided by law.

## Disseminating this Policy

This policy shall appear in the School's Policy Manual, and in any of the publications that set forth the comprehensive rules, procedures, and standards of conduct for schools and students in

## Governing Authority Board Policy



Findlay Digital Academy  
the School.

The policy and an explanation of the seriousness of bullying by electronic means shall be made available to students in the School and to their custodial parents or guardians, and once each school year a written statement describing the policy and the consequences for violations of the policy be sent to each student's custodial parent or guardian. The statement may be sent with regular student report cards or may be delivered electronically. Information regarding the policy shall be incorporated into employee training materials.

This policy shall be incorporated into in-service training.

*Ohio:* R.C. 3313.66, R.C. 3313.666, R.C. 3313.667, R.C. 3319.321

[Adoption date: May 10, 2005]

[Revised: February 28, 2008]

[Revised: June 4, 2015}

[Revised: February 1, 2018]

LEGAL REFS.: ORC 2307.44 2903.31

File: JQ Form

## REPORTING ACTS OF HARRASSMENT

Date incident occurred: \_\_\_\_\_ Time: \_\_\_\_\_

Location of act: \_\_\_\_\_

Please identify any additional witness(es):

---

Please identify all Victim(s)

---

Please describe the act:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

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

[Adoption date: June 4, 2015]

JQ Form (2)

**Notification of Bullying Incident Form**

Parent of: \_\_\_\_\_ Student ID: \_\_\_\_\_ Date: \_\_\_\_\_

This is to notify you that ORC 3313.666 and the School's Policy on Harassment, Intimidation, and Bullying prohibit bullying or harassment during education programs or activities, on school buses, or through use of data or computer software accessed through computer systems of certain educational institutions. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action. "Bullying" is defined as:

- 1) Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so;
- 2) Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm; or
- 3) Any intentional written, verbal, or physical act, which a reasonable person would perceive as being intended to threaten, harass, or intimidate, that
  - a. Causes another person substantial physical harm or visible bodily harm;
  - b. Has the effect of substantially interfering with a student's education;
  - c. Is so severe, persistent, or pervasive that it creates an intimidating or threatening education environment; or
  - d. Has the effect of substantially disrupting the orderly operation of the school.

This letter is to inform you that your child has been involved in a report of a bullying or harassment incident.

\_\_\_ A report has been made that alleges your child as a perpetrator of bullying or harassment.

\_\_\_ A report has been made that alleges your child as a victim of bullying or harassment.

\_\_\_ A report has been made that alleges your child as a witness, bystander and/or complainant of bullying or harassment.

Please discuss this with your child and call the school if you need further assistance or information.

An investigation into the reported act of bullying has been initiated. You will be notified of the outcome and any actions taken pertaining to your child. Thank you for your attention to this matter.

Sincerely,

Head Administrator

Findlay Digital Academy

[Adoption date: February 1, 2018]

## TOBACCO USE BY STUDENTS

Health professionals have determined that the use of tobacco products can be detrimental to one's health. The Board wishes to encourage good health practices among the students of the Findlay Digital Academy. Therefore, the Board prohibits the smoking, use or possession of tobacco in any form including, but not limited to, cigarettes, cigars, clove cigarettes, ecigarettes chewing tobacco, snuff and any other forms of tobacco by any student in any area under the control of the Findlay Digital Academy or at any activity supervised by any school within the Findlay Digital Academy. State law also prohibits the distribution or possession of tobacco products to any person under 18 years of age and specifically regulates the location of vending machines dispensing tobacco products.

Disciplinary measures taken against students for violations of this policy comply with the requirements of State law and related Findlay Digital Academy policies.

[Adoption date: May 10, 2005]

[Revision date: June 4, 2015]

LEGAL REFS.: The Elementary and Secondary Education Act; 20 USC 1221 et seq.  
Goals 2000: Educate America Act; 20 USC 6081-6084  
ORC 3313.66; 3313.661; 3313.751  
OAC 3301-35-02; 3301-35-04

## ALCOHOL USE BY STUDENTS/STUDENT DRUG ABUSE

The Board recognizes its share of the responsibility for the health, welfare and safety of the students who attend the School. The Board is concerned about the problems of alcohol and drug abuse and recognizes that illegal or inappropriate use of alcohol, narcotic drugs, depressants or other controlled substances is wrong and harmful and constitutes a hazard to the positive development of all students.

The Board does not permit any student to possess, transmit, conceal, offer for sale, consume, show evidence of having consumed or used any alcoholic beverages, illegal drugs, unprescribed drugs, look-alike drugs or any mind-altering substance while at school activities; in other situations under the authority of the Findlay Digital Academy or in school-owned or school-approved vehicles. Included in this prohibition are any substances represented as a controlled substance, nonalcoholic beers, steroids, tobacco and tobacco products and drug paraphernalia.

The Board wishes to emphasize the following.

- A student is required to obey existing laws while involved in school activities. School authorities have the same responsibility as any other citizen to report violations of the law. The final disposition of any problem, however, is determined by the administration with due consideration of the welfare of the student and of any other relevant factors involved.
- Discipline is imposed independent of court action. Students are subject to immediate suspension or expulsion proceedings for possession or use of illegal drugs or alcoholic beverages.
- Parents and students are given a copy of the standards of conduct and the statement of disciplinary sanctions and are notified that compliance with the standards of conduct is mandatory.
- If conditions warrant, the administration refers the student for prosecution and offers full cooperation in a criminal investigation.
- A reduction in penalty may be considered if the student receives professional assistance. Professional assistance may include but not be limited to an alcohol/drug education program; assessment with follow-through based on the assessment findings, counseling, outpatient treatment or inpatient treatment.
- Any Findlay Digital Academy student who is an athlete on any Findlay City Schools athletic team will be held accountable to the same disciplinary action that Findlay City Schools imposes on their athletes.

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The Executive Director/Superintendent establishes and the Board considers for approval detailed procedures for dealing with students who may have a drug or alcohol problem. These procedures are in compliance with all applicable laws and observed by all staff members. It is the desire of the Board for students with problems to feel secure enough to ask for help from their teachers or counselors without fear of reprisal. Confidentiality shall be maintained within the limits of the law. The long-range welfare of the student is paramount.

[Adoption date: May 10, 2005]

[Revision date: June 4, 2015]

LEGAL REFS.: ORC 2925.01; 2925.37  
3313.66; 3313.661  
3719.011; 3719.41

## WEAPONS IN THE SCHOOLS

The Board is committed to providing the students of the Findlay Digital Academy with an educational environment, which is free of the dangers of firearms, knives and other weapons.

The definition of a firearm is any weapon (including a starter gun) which is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer or any destructive device (as defined in 18 U.S.C.A. Section 921), which includes any explosive, incendiary or poisonous gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or device similar to any of the devices described above. A knife is defined as a cutting instrument having a sharp blade.

Unless a student is permanently excluded, the Executive Director/Superintendent shall expel a student from school for a period of one year for bringing a firearm or knife to a school within the Findlay City School District or onto any other property owned or controlled by the Board, or for possessing a firearm or knife at a school or on any other property owned or controlled by the Board, which firearm or knife was initially brought onto school property by another person, except that the Executive Director/Superintendent may reduce this requirement on a case-by-case basis in accordance with this policy. Any such expulsion shall extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

Matters, which might lead to a reduction of the expulsion period, include: the student's mental and/or physical characteristics or conditions; the age of the student and its relevance to the punishment; the prior disciplinary history of the student and/or the intent of the perpetrator.

A student may be expelled for up to one year for firearm-related or knife-related incidents occurring off school property while at a school-sponsored interscholastic competition, extracurricular event or other school-sponsored activity.

A student suspended, expelled, removed or permanently excluded from school for misconduct involving a firearm or knife also loses his/her driving privileges. The Findlay Digital Academy must notify the county juvenile judge and registrar of motor vehicles within two weeks of the suspension, expulsion or permanent exclusion.

The Board prohibits students from knowingly possessing an object on school premises, in a school or a school building, at a school activity or on a school vehicle if both of the following apply.

- The object is indistinguishable from a firearm, whether or not the object is capable of being fired.



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- The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.

As defined by State law and for purposes of this policy, an “object that is indistinguishable from a firearm” means an object made, constructed or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm.

Students found in violation of numbers 1 and 2 above may be reported to the local law enforcement authority and may be prosecuted under State criminal statutes, as well as disciplined in accordance with the provisions of the Findlay Digital Academy’s Student Code of Conduct and State law.

The Executive Director/Superintendent is authorized to expel a student from school for a period not to exceed one year for making a bomb threat to a school building, or to any premises at which a school activity is occurring at the time of the threat. Any expulsion under this provision extends, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

[Adoption date: May 10, 2005]

[Reviewed: June 4, 2015]

LEGAL REFS.: ORC 2923.122  
3313.66; 3313.661; 3313.662  
3321.13  
18 USC 921  
20 USC 2701 et seq. - Title IX 9001-9005  
20 USC 8921

## INTERROGATIONS AND SEARCHES

The Findlay Digital Academy has responsibility for the control and management of students' equipment and the data contained on the equipment.

The School has the right to examine any and all equipment furnished by the Findlay Digital Academy at any time. The School has the right to examine, monitor, survey, or recreate a student's Internet activities, where such activities are reasonably linked to the School.

In order to preserve a safe environment for all students and staff, the School may conduct reasonable searches of students and student property. All searches, must recognize the privacy rights of students and may not be done without reasonable basis or in an unreasonable manner.

The authorization to search extends to all situations in which the student is under the School's jurisdiction or control.

### Types of Searches

Searches may include, but are not limited to the following types.

*School-provided Storage.* School lockers, desks, and other storage spaces provided by the School are the School's property. Students have no expectation of privacy in these storage spaces from school officials. The School may allow the Executive Director/Superintendent or his/her designee to conduct regular searches of all such storage places or as is determined reasonably necessary.

*Person & Personal Property.* An Individual's person, car, and other personal belongings may be searched whenever the School has reason to believe (1) the student is concealing evidence connected to a school policy violation or criminal activity and (2) the items to be searched are capable of concealing such evidence. Searches do not require a student's consent.

*Electronic Searches.* Students have no expectation of privacy with regards to using the internet, intranet, network, or electronic mail. Usage of such electronics may be monitored and maintained and may uncover that a student has violated the School policy or usage.

**Guidelines for Searches & Seizures** All searches and seizures shall conform to the following guidelines:

The extent of each search shall be proportionate to the severity of the alleged infraction.

Searches of a student's person shall be conducted in a private area by a school official and observed by an objective third party. Both the school official and the third party shall be of the same sex as the student being searched. The search may not require the student to remove clothing nor should the student be touched in any way.

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School locker, desks, and other storage property may be inspected. Students must open lockers and other storage areas at the request of School officials. A student has the right to be present during a search unless the student is absent or an otherwise compelling situation necessitates a search in the student's absence.

The Executive Director/Superintendent or his/her designee may use canines when he/she reasonably suspects that illegal drugs may be found and a search warrant has been obtained. The canines (i) must be trained in detecting drugs, (ii) may only be used to determine if drugs are present in areas where the substance may be concealed, and (iii) must be conducted in conjunction with law enforcement officials or otherwise certified organizations.

Students are prohibited from keeping prohibited items belonging to other individuals within their lockers, backpacks, or desks.

The Executive Director/Superintendent or his/her designee may use a breath-test instrument to determine if a student has consumed alcoholic beverages.

## Documenting Searches & Possessing Contraband

All searches shall be immediately documented in a written report by the Executive Director/Superintendent or his/her designee. The written report shall (1) explain why the search was conducted, (2) identify persons providing information, (3) indicate areas searched, (4) describe and identify contraband found, (4) identify persons present, and (5) explain how contraband was disposed of following the search.

All contraband and other illegal or dangerous substances seized shall be controlled and disposed of by the Executive Director/Superintendent or his/her designee.

[Adoption date: May 10, 2005]

[Revision date: June 4, 2015]

LEGAL REFS.: U.S. Const. Amend. IV  
ORC 3313.20

## STUDENT SUSPENSION

The Executive Director/Superintendent and other designated administrators may suspend a student from school for disciplinary reasons outlined in the Student Code of Conduct. No period of suspension is for more than 10 school days. Suspensions may extend beyond the current school year if, at the time a suspension is imposed, fewer than 10 days remain in the school year. The Executive Director/Superintendent may apply any or all of the period of suspension to the following year.

The Executive Director/Superintendent may require a student to perform community service in conjunction with or in place of a suspension. The Board may adopt guidelines to permit the Executive Director/Superintendent to impose a community service requirement beyond the end of the school year in lieu of applying the suspension into the following school year.

The Head Administrator may seek permanent exclusion pursuant to the process outlined in Ohio Revised Code 3313.662. The acts (as provided under 3313.662) qualifying a student for permanent exclusion are specified. A student must be 16 or older (at the time the act was committed) and convicted or adjudicated delinquent for violating any of the following:

- 2923.122: Illegal conveyance or possession of a deadly weapon or dangerous ordnance or of object indistinguishable from firearm in a school safety zone.

Any of the following acts, if committed on property owned or controlled by, or at an activity held under the auspices of the school:

- 2923.12: Carrying Concealed Weapons
- 2925.03: Trafficking or Aggravated Trafficking of Drugs
- 2925.11: Possession of Controlled Substances (Other than minor drug offenses)

Any of the following acts, if committed on property owned or controlled by, or at an activity held under the auspices of the school if the victim was an employee of the school:

- 2903.01: Aggravated Murder
- 2903.02: Murder
- 2903.03: Voluntary Manslaughter
- 2903.04: Involuntary Manslaughter
- 2903.11: Felonious Assault
- 2903.12: Aggravated Assault
- 2907.02: Rape
- 2907.05: Gross Sexual Imposition
- Complicity for any of the above criminal acts, regardless of whether the complicity occurred on property owned or controlled by, or at an activity held under the auspices of the school.

After obtaining or receiving proof of the conviction or adjudication and determining that it is appropriate to seek permanent exclusion, the Head Administrator shall give the student and the student's parent, guardian, or custodian written notice that the Head Administrator intends to recommend to the Governing Authority that the Governing Authority adopt a resolution requesting the superintendent of public instruction to permanently exclude the pupil from public school attendance.

The guidelines listed below are followed for all out-of-school suspensions.

- The student is informed in writing of the potential suspension and the reasons for the proposed action.
- The student is provided an opportunity for an informal hearing to challenge the reason for the intended suspension and explain his/her actions.
- An attempt is made to notify the parent(s) by telephone if a suspension is issued.
- Within 24 hours, a letter is sent to the parent(s) stating the specific reasons for the suspension and including notice of the right to appeal such action.
- Notice of this suspension is sent to the:
  - Executive Director/Superintendent;
  - Treasurer and
  - student's school record.
- Permanent Exclusion - If the offense is one for which the Findlay Digital Academy may seek permanent exclusion, the notice contains that information.

### Appeal Procedure

Should a student or a student's parent(s) choose to appeal the suspension, he/she must do so within 10 days of the notice of suspension. The procedure for such is provided in regulations approved by the Board. All witnesses are sworn and a verbatim record is kept of the hearing, which may be held in executive session at the request of the student or his/her parent(s). The student may be excluded from school during the appeal process. The appeal levels are as follows:

Level 1: Appeal to the Coordinator/Principal.

Level 2: Appeal to the Executive Director/Superintendent.

Level 3: Appeal to the Board.

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Appeal to the Court

Under State law, appeal of the Board's or its designee's decision may be made to the Court of Common Pleas.

[Adoption date: May 10, 2005]

[Revision date: June 4, 2014]

[Revision date: February 1, 2018]

LEGAL REFS.: ORC 3313.66; 3313.661; 3313.662

File: JW

## EMERGENCY REMOVAL OF STUDENT

If a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, the Executive Director/Superintendent, Coordinator, or personnel employed to direct, supervise or coach a student activity program may remove the student from the premises.

If either suspension or expulsion is contemplated, a due process hearing is held within three school days after the removal is ordered. Written notice of the hearing and the reason for removal and any intended disciplinary action is given to the student as soon as practicable prior to the hearing. The student has the opportunity to appear at an informal hearing before the principal, assistant principal and Executive Director/Superintendent/designee and has the right to challenge the reasons for the removal or otherwise explain his/her actions. The person who ordered or requested the removal is present at the hearing. Within one school day of the decision to suspend, written notification is given to the parent(s) of the student and Treasurer of the Board. This notice includes the reasons for the suspension and the right of the student or parent(s) to appeal to the Executive Director/Superintendent /designee.

If the Executive Director/Superintendent or Coordinator reinstates a student prior to the hearing for emergency removal, the teacher/instructional coach may request, and is given, written reasons for the reinstatement. The teacher/instructional coach cannot refuse to reinstate the student.

In an emergency removal, a student can be kept from class until the matter of the alleged misconduct is disposed of either by reinstatement, suspension or expulsion.

In all cases of normal disciplinary procedures in which a student is removed from a curricular or extracurricular activity for less than 24 hours and is not subject to further suspension or expulsion, due process requirements do not apply.

[Adoption date: May 10, 2005]

[Reviewed: June 4, 2015]

[Reviewed and Readopted: April 1, 2019]

LEGAL REFS.: ORC Chapter 2506  
3313.66; 3313.661; 3313.662

## STUDENT EXPULSION

At times, the behavior of a student can be considered so serious as to justify total removal from the educational program for a prolonged period of time. Actions meriting expulsion are outlined in the student code of conduct. Only the Executive Director/Superintendent may expel a student. Expulsion is the removal of a student for more than 10 days, but not more than one year. An expulsion can extend beyond the end of the school year if there are fewer school days than expulsion days remaining. The Executive Director/Superintendent may apply any remaining part or all of the period of the expulsion to the following school year.

The Executive Director/Superintendent may require a student to perform community service in conjunction with or in place of an expulsion. The Board may adopt guidelines to permit the Executive Director/Superintendent to impose a community service requirement beyond the end of the school year in lieu of applying the expulsion into the following school year. However, a student may not perform community service if he or she is expelled for bringing a firearm to School or onto School property.

*Offenses worthy of Expulsion.* Expellable offenses may be broken into three categories

1. Students must be expelled for one year for the following offense:

- Bringing a firearm to the School, onto School property, or on any property used or leased by the School for school; extracurricular events; or school-related events. On a case by case basis, the School may reduce this disciplinary action in accordance with section 3313.661 of the Revised Code.

2. Students may be expelled for a maximum of one (1) year for the following offenses:

- Bringing a firearm to an interscholastic competition, an extracurricular event, or any other school program or activity that is not located in a school or on property that is owned or controlled by the school district. On a case by case basis, the School may reduce this disciplinary action in accordance with section 3313.661 of the Revised Code.
- Bringing a knife or possessing a knife that was brought on by another person to the School, onto School property, or to an interscholastic competition, an extracurricular event, or any other program or activity sponsored by the School.
- Making a bomb threat to a school building or any premises at which a school activity is occurring at the time under the threat.
- Committing an act that is a criminal offense when committed by an adult and the offense results in serious physical harm to persons or property, *while* the student is at school, on any other property owned or controlled by the Governing Authority, at an interscholastic competition, an extracurricular event, or any other school program or activity.

3. Students may be expelled up to eighty (80) school days for the following offenses:

- Serious misconduct.



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- Serious violation of the School rules.
- Other cause.

A “firearm” is defined in accordance with 20 U.S.C. 7151 and means any weapon (including a starter gun which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receive of any such weapon, any firearm or firearm silence; or any destructive device.

A “knife” is defined as any weapon or cutting instrument consisting of a blade fastened to a handle; a razor blade; or any similar device that is used for, or is readily capable of causing death or serious bodily injury.

The Head Administrator may, in his/her sole judgment and discretion, modify or reduce such expulsion for a student committing serious physical harm in writing, to a period of less than one (1) year, on a case-by-case basis, upon consideration of the following:

- a. Applicable State or Federal laws and regulations relating to students with disabilities (for example, where the incident involves a student with a disability and the misconduct is determined by a group of persons knowledgeable about the child to be a manifestation of the student’s disability); or
- b. other extenuating circumstances, including, but not limited to, the academic and disciplinary history of the student, including the student’s response to the imposition of any prior discipline imposed for behavioral problems.

The Head Administrator may, in his/her sole judgment and discretion, reduce an expulsion for making a bomb threat to a period of less than one (1) year, on a case-by-case basis, upon consideration of the following:

- a. Applicable State or Federal laws and regulations relating to students with disabilities (for example, where the incident involves a student with a disability and the misconduct is determined by a group of persons knowledgeable about the child to be a manifestation of the student’s disability); or
- b. other extenuating circumstances, including, but not limited to, the academic and disciplinary history of the student, including the student’s response to the imposition of any prior discipline imposed for behavioral problems.

On a case by case basis, the head Administrator may reduce disciplinary action for all offenses involving firearms and knives.

The Executive Director/Superintendent shall give the student and parent(s) written notice of the intended expulsion, including reasons for the intended expulsion. The student and parent(s) or representative have the opportunity to appear on request before the Executive Director/Superintendent/designee to challenge the action or to otherwise explain the student’s actions. This notice shall state the time and place to appear, which must not be fewer than three days nor more than five days after the notice is given.

Within 24 hours of the expulsion, the Executive Director/Superintendent shall notify the parent(s) of the student and the Treasurer of the Board.

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The notice shall include the reasons for the expulsion, the right of the student or parent(s) to appeal to the Board or its designee, the right to be represented at the appeal and the right to request that the hearing be held in executive session.

The Executive Director/Superintendent will initiate expulsion proceedings against a student who has committed an act that warrants expulsion even if the student withdraws from school before the Executive Director/Superintendent has held the hearings or made the decision to expel the student.

### Permanent Exclusion

If the offense is one for which the Findlay Digital Academy may seek permanent exclusion, the notice shall contain that information.

### Appeal to the Board

A student or a student's parent(s) may appeal the expulsion by the Executive Director/Superintendent to the Board or its designee. They may be represented in all such appeal proceedings and are granted a hearing before the Board or its designee. All witnesses are sworn and a verbatim record is kept of the hearing, which may be held in executive session at the request of the student or parent(s). The student may be excluded from school during the appeal process.

### Appeal to the Court

Under State law, the decision of the Board may be further appealed to the Court of Common Pleas.

Any student who is expelled from school for more than 20 days or into the following semester or school year is referred to an agency, which works towards improving the student's attitudes and behavior. The Executive Director/Superintendent provides the student and his/her parent(s) with the names, addresses and telephone numbers of the public and private agencies providing such services.

[Adoption date: May 10, 2005]

[Reviewed: June 4, 2015]

[Revision: February 1, 2018]

LEGAL REFS.: ORC 3313.66; 3313.661; 3313.662

## DISCIPLINING A 504 STUDENT

When a student that is disabled under Section 504 of the Rehabilitation act (a “504 Student”) violates the School’s code of conduct, the 504 Student shall be disciplined according to this policy.

If the 504 Student’s discipline is considered a Change in Placement, then the School shall follow the discipline in accordance with Policy JV Suspension and Policy JX Expulsion. If the discipline is not considered a Change in Placement, then the School may discipline the 504 Student in the same way the School would discipline without disabilities.

A Change in Placement is defined as:

- the Student’s removal is for more than 10 consecutive days, or
- the Student has been subjected to a series of removals that constitute a pattern, and all the following exist:

o the series of removals totals more than 10 school days in a year; o the student’s behavior is substantially similar to the student’s behavior in previous

incidents that resulted in the series of removals; and o additional facts (length of each removal, total amount of time removed, proximity in time of the removals).

The School, however, should not follow this policy when the discipline pertains to the use or possession of illegal drugs or alcohol. When a 504 Student violates the School’s drug/alcohol policy, the School shall follow Policy **4530**, Suspension & Expulsion Policy. The 504 Student may be disciplined to the same extent as a non-disabled student.

Additionally, the School may conduct an emergency removal of a 504 Student when there is a (1) a parental agreement to an interim placement or (2) through injunctive relief from a court, when the current placement presents a substantial likelihood of resulting in injury to the student or others.

[Adoption date: June 4, 2015]

*Federal: 29 U.S.C. 705.*

## DISCIPLINE OF STUDENTS WITH DISABILITIES

When a student with disabilities violates the School's Code of Conduct, the student shall be disciplined according to applicable laws, this School's policies regarding discipline, and all other special education policies.

Pursuant to Ohio law, the School's discipline varies depending on whether the discipline is a Change in Placement. A Change in Placement occurs if:

- the Student's removal is for more than 10 consecutive days; or
- the Student has been subjected to a series of removals that constitute a pattern, and all the following exist:

o the series of removals totals more than 10 school days in a year o the child's behavior is substantially similar to the child's behavior in previous

incidents that resulted in the series of removals; and o additional facts (length of each removal, total amount of time removed, proximity

in time of the removals).

### Removal for 10 Days or Less (Not a Change in Placement)

The School may remove a child with a disability without any additional action if the child is removed for a period of 10 days or less. A child may be removed by being placed in an appropriate interim alternative educational setting, another setting, or suspension. Services shall be offered as follows:

*The removal is not for 10 consecutive days.* The School shall provide services only to the extent that services are provided to a child without disabilities who are similarly removed.

*The removal is for more than 10 days in the same school year, but for separate incidents of misconduct* (as long as those removals do not constitute a change of placement). The School shall provide services, as determined by school personnel in consultation with at least one of the child's teachers, so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP.

### Removal for more than 10 Days (Change in Placement)

If a Change of Placement occurs, the School must (1) provide notice to the parents and (2) conduct a Manifestation Determination Review (MDR). First, the notice to the parents must inform the parents of all the procedural safeguards, including a MDR, a right to receive services,

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and a continuation of services for a free appropriate public education. Second, the School must conduct a MDR. A MDR seeks to determine if the conduct was a manifestation of the student

disability. A MDR is attended by the student's parents and relevant members of the IEP team and reviews all relevant information in the child's file, including the child's IEP, any teacher observations and any relevant information provided by the parents.

Through the MDR, the School shall determine whether the conduct is a manifestation of the student's disability. The conduct is a manifestation of the student's disability if it either was (a) caused by or had a direct and substantial relationship to, the child's disability; or (b) the direct result of the school districts failure to implement the IEP.

- *MDR determines the conduct **was not** a manifestation of the disability.* The School shall (1) ensure that the child continues to receive educational services so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress towards meeting the goals set out in the child's IEP and (2) ensure that the child receives, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.
- *MDR determines the conduct **was** a manifestation of the disability.* Upon determining the behavior is a manifestation of the disability, the School must make several determinations. First, it must determine if the behavior was a direct result of the School's failure to implement the IEP. If it is, the School must take immediate steps to remedy the deficiencies. Second, the School must conduct a functional behavioral assessment within ten (10) days of the manifestation determination and complete the assessment as soon as practicable, unless the School conducted a functional behavior assessment prior to the manifestation determination. If the assessment was already made, the IEP team must review and modify the plan to address the behavior. Third, the School must return the student to placement from which he or she was removed.

### Special Circumstances

In limited circumstances, the School may remove a student to an interim alternative educational setting (IAES) for not more than forty five (45) school days without regard to whether the conduct was a manifestation of the disability. The following circumstances include:

- the student carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function;
- the student knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of the ODE or the School; or
- The student has inflicted serious bodily injury on another person while at school, on school premises, or at a school function.

The terms controlled substance, weapon, illegal drug and serious bodily injury are defined in

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accord with O.A.C. 3301-51-05(K)(20)(h)(i).

The Student's IEP team will meet following the placement in an IAES. The IEP team will determine (1) what the permanent setting will be, (2) take steps to review and modify the plan, and (3) continue to provide the student with educational services to enable the student to participate in the general education curriculum and to progress toward IEP goals.

#### Due Process

The Student's parents or guardians may appeal either the outcome of an MDR or the decision regarding placement by filing a due process complaint.

The School may request an expedited due process hearing if it believes that maintaining the current placement of the student is substantially likely to result in injury to the child or to others.

Expedited hearings must occur within twenty (20) school days after the date the due process complaint is filed and no extensions of time shall be granted.

[Adoption date: May 10, 2005]

[Revision date: June 4, 2015]

LEGAL REFS.: Education for All Handicapped Children Act; 20 USC 1401 et seq.  
Rehabilitation Act; 29 USC 706(8), 794, 794a  
504 Regulations 34 C.F.R. Part 104  
Americans with Disabilities Act; USC 12112 et seq.  
State Department of Education, Special Education Policies and Procedures,  
Free Appropriate Public Education-101  
ORC 3313.50  
3323.01 et seq.  
3325.01 et seq.  
OAC 3301-51  
3301-55-01

File: JAA

## TRANSPORTATION DISCIPLINE

This policy applies *only* where the student's sole discipline is the denial of bus riding privileges. A student may be subject to additional discipline under the School's Code of Conduct.

In regards to riding privileges and rules, the School is required to enforce and follow the policy of the student's home district that provided the transportation. Accordingly, the School must follow the school district's policy in imposing the period of time for suspension.

### Due Process Rights

While the School follows the discipline policies of the home district, the School still oversees the student's right to a hearing. Before a student's privileges are suspended, the student shall be provided notice and shall be given an opportunity to be heard before the School's Executive Director/Superintendent in accordance with Policies JV & JX, Suspension & Expulsion Policy.

A student may be immediately removed, without hearing, when a student poses a danger to other persons or property or threatens the bus's safe operation under the School's Emergency Suspension Rule.

If a disabled student is suspended or immediately removed, the School shall follow the laws governing suspension and expulsion of disabled students.

### Disseminating this Policy

To ensure familiarity and compliance with these policies, the School shall post the School District riding policies in the school and shall make the policies available for Parents or Students.

[Adoption date: June 4, 2015]

*Ohio:* R.C. 3314.091, R.C. 3327.01.

## HEALTH RECORDS OF STUDENTS

The School requires health records of students under the following circumstances.

Health records are requested for all students transferring into the Findlay Digital Academy, these records must include all immunization records. If the previous school does not forward a record or if it is incomplete, it is the parents' responsibility to comply with health requirements for students.

Findlay Digital Academy will allow students to carry and self-administer asthma medication as long as the parent has filled out the necessary paperwork and has it on file with the academy coordinator.

Findlay Digital Academy enrolls students in grades 9 –12 only; therefore, we will not be responsible for screening of new kindergartners and first-graders in hearing, vision, speech, communication and health. We also do not opt to have dental and medical screening of students.

[Adoption date: May 10, 2005]

[Reviewed: June 4, 2014]

LEGAL REFS.: The Elementary and Secondary Education Act; 20 USC 1221 et seq.  
ORC 3313.50; 3313.671; 3313.673; 3313.68; 3313.73, 3313.71



## STUDENT USE OF INHALERS AND EPINEPHRINE AUTO-INJECTORS

The School permits students to possess and use metered dose inhalers and/or dry powder inhalers (“inhalers”) and epinephrine auto-injectors (“epi-pens”) provided this policy is followed. Inhalers and epi-pens may be used to alleviate (or, in the case of inhalers, to alleviate and to prevent) asthmatic or anaphylactic symptoms, respectively.

Inhalers and epi-pens that comply with this policy may be used at the School or at any activity, event, or program sponsored by or in which the School is a participant.

As mandated by Sections 3313.7113, 3313.7114, 3314.144, 3326.30, 3328.30 of the Revised Code, this policy is intended to create a framework for accommodating individuals with asthma symptoms.

The district will obtain a prescriber-issued protocol specifying definitive orders for asthma inhalers with or without spacers including dosages of medication to be administered, the number of times that each inhaler may be used before disposal and method of disposal. This prescriber shall be a licensed health care professional authorized to prescribe drugs, as defined in section 4729.01 of the Revised Code.

### Obtaining Permission to Carry & Use

To be permitted to carry an inhaler or epi-pen, the student must submit to the Head Administrator or his/her designee: (1) A backup dose of the medication is supplied (if the student is seeking to carry an epi-pen), (2) written approval from the student’s parent or guardian (if the student is a minor) and (3) written approval from the student’s physician. The physician’s written approval must contain the following information:

- the student’s name and address;
- the name and dose of the medication contained in the inhaler or the epi-pen;
- the date the administration of the medication is to begin;
- the date the administration of the medication is to end (if known);
- written instructions that outline the procedures that school personnel should follow in the event that the medication does not provide the expected relief;

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- any adverse reactions that may occur to the child after using the inhaler or epi-pen and that should be reported to the physician;
- any severe adverse reactions that may occur to another child for whom the inhaler or epi-pen is not prescribed should such a child receive a dose of the medication;
- at least one emergency telephone number for contacting the physician in an emergency;
- at least one emergency telephone number for contacting the students parent, guardian, or other person having care or charge of the student in an emergency; and
- any other special instructions from the physician.

A written approval for both parents and physicians may be found at Form **JCC Form 1**, Permission to Carry and Self-Administer Asthma Inhaler, and Form **JCC Form 2**, Permission to Carry and Self-Administer Epinephrine Auto-injector.

### Procurement and Possession of Inhalers by School

The School may procure and possess inhalers with or without spacers for use in emergency situations without possessing an otherwise required license from the State Board of Pharmacy. The School may also accept monetary donations to purchase inhalers with or without spacers and/or accept donated inhalers from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code. The School is encouraged to keep on hand at least two inhalers at all times.

Further, if the School chooses to procure inhalers, it shall to report to the Department of Education, each procurement, and occurrence in which an inhaler is used from its supply.

The School must consult with a licensed health professional who is authorized to prescribe drugs to determine the following:

1. Prescriber-issued protocol specifying definitive orders for inhalers, including the dosages of medication to be administered through them, the number of times that each inhaler may be used before disposal, and the methods of disposal.
2. The inhalers shall be stored in the following locations:

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3. An inhaler must be stored, replaced, and disposed of under the following conditions:

\_\_\_\_\_  
\_\_\_\_\_.

4. In addition to licensed school nurses and athletic trainers, the following school personnel may also access and use an inhaler to provide a dosage of medication to an individual in an emergency situation:

\_\_\_\_\_  
\_\_\_\_\_ ("School Personnel").

School Personnel must complete the following training, in order to be authorized to access or use an inhaler: \_\_\_\_\_

5. Identified and trained individuals may administer an asthma inhaler to students, school employees or contractors, school visitors and other individuals in the school building in an emergency situation when a person exhibits signs and symptoms of asthma on school premises during the school day.
6. Assistance from an emergency medical service provider must be requested immediately after School Personnel use an inhaler;
7. The School will report each procurement of and occurrence in which an asthma inhaler is used to ODE per protocol.

School administration shall be responsible for identifying one or more locations in the school in which an inhaler must be stored. Inhalers must be stored in a safe, secure, accessible, locked location in accordance with ORC 3313.713 that will allow for rapid, life-saving administration.

Inhalers that have expired should be disposed of according to manufacturer's guidelines. Used and expired inhalers shall be replaced in a reasonable time period.

Specifications of individuals who can provide a dosage of an asthma inhaler to an individual in an emergency situation

School administration shall be responsible for identifying individuals employed by or under contract with the district board, in addition to the school nurse licensed under section 3319.221 of the Revised Code or an athletic trainer licensed under Chapter 4755

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of the Revised Code, who may access and use an asthma inhaler to provide a dose to an individual in an emergency situation.

Identified individuals specified above, other than a school nurse or athletic trainer, must complete training based on the protocol developed with the prescriber before being authorized to access and use an asthma inhaler. Only trained personnel should administer an asthma inhaler to a person believed to be having asthma symptoms. Emergency medical services must be requested immediately after an asthma inhaler is used by an employee or contractor, other than a school nurse, athletic trainer, or another licensed health professional.

### Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillator (AED) 2017-2018 Instruction and Staff Training

Under 3314.03(A)(11)(k), it is a required compliance item for a community school to comply with sections 3313.6021, Instruction in CPR and AED for Students, and 3313.6023 Mandated training for school employees every five years, of the revised code as if it were a school district unless it is either of the following:

- (i) An internet- or computer-based community school;
- (ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A)(4)(b) of section 3314.35 of the Revised Code.

### Liability

The School, Governing Authority Members, Staff members, and all other employees shall not be held liable for any damages or claims allegedly arising any of the following:

- incorrectly prohibiting a student from using an inhaler or epi-pen because of the good faith belief that the conditions of this Policy had not been satisfied;
- incorrectly permitting a student to use an inhaler or epi-pen because of the good faith belief that the conditions of this Policy had been satisfied; and
- use of the inhaler or epi-pen by a fellow student for whom it was not prescribed.

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- an act or omission associated with procuring, maintaining, accessing, or using an inhaler, unless the act or omission constitutes willful or wanton misconduct.

This Policy does not eliminate, limit, or reduce any other immunity or defense that the School, Governing Authority Members, Staff members, or any other employee may be entitled to under Chapter 2744, or any other provision of the Revised Code or under the common law of Ohio.

*Ohio:* R.C. 3313.716, R.C. 3313.718, R.C. 3314.14. *Cross-Reference:* Form 2240.1, Permission to Carry and Self-Administer Asthma Inhaler; Form 2240.2, Permission to Carry and Self-Administer Epinephrine Auto-injector; Policy 2230, Medication Administration; Policy 2241 Procurement of Epinephrine Auto-injectors by Schools; Policy 2250, Known Food Allergies.

[Adopted: April 26, 2018]

Permission to Carry and Self-Administer Asthma Inhaler Physician Authorization

*(to be completed by the physician)*

The following student has the approval to possess and use an asthma inhaler, as described below, to alleviate asthmatic symptoms or before exercise to prevent the onset of asthmatic symptoms.

Name of Student: \_\_\_\_\_

Student Address: \_\_\_\_\_

Name and Dose of Medication: \_\_\_\_\_

Begin Date: \_\_\_\_\_ End Date (if known): \_\_\_\_\_

List any possible adverse reactions that should be reported to the physician: \_\_\_\_\_

\_\_\_\_\_

State the procedure to be followed if the asthma inhaler does not alleviate asthmatic symptoms:

\_\_\_\_\_

List any possible adverse reactions that may occur to another student, for whom the inhaler is not prescribed, should such student receive a dose of the medication: \_\_\_\_\_

\_\_\_\_\_

Any other special instructions: \_\_\_\_\_

\_\_\_\_\_

Physician Name: \_\_\_\_\_

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

Emergency Phone Number: \_\_\_\_\_

**Parental Authorization** *(to be completed by parent for all minor students)*

I, \_\_\_\_\_, am the legal parent or guardian of the above-named student and hereby give permission for this student to carry and use the asthma inhaler described above at the School and any activity, event, or program sponsored by the School or in which the School is a participant.

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

Emergency Contact Number: \_\_\_\_\_

*This form must be fully completed and turned in to the Coordinator/Principal and the School Nurse, if one exists.*

[Adoption date: June 4, 2015]

Permission to Carry and Self-Administer Epinephrine Autoinjector Physician Authorization

*(to be completed by the physician)*

The following student has the approval to possess and use an epinephrine autoinjector (EpiPen), as described below, to treat anaphylaxis.

Name of Student:

\_\_\_\_\_

Student Address:

\_\_\_\_\_

Name and Dose of Medication:

\_\_\_\_\_

Begin Date: \_\_\_\_\_

End Date (if known): \_\_\_\_\_

List any possible adverse reactions that should be reported to the physician:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

State the procedure to be followed if the EpiPen does not alleviate asthmatic symptoms:

\_\_\_\_\_  
\_\_\_\_\_

List any possible adverse reactions that may occur to another student, for whom the EpiPen is not prescribed, should such student receive a dose of the medication:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Any other special instructions:

\_\_\_\_\_  
\_\_\_\_\_

Physician Name:

\_\_\_\_\_  
\_\_\_\_\_ Physician

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

Emergency Phone Number:

\_\_\_\_\_

**Parental Authorization** *(to be completed by parent for all minor students)*

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I, \_\_\_\_\_, am the legal parent or guardian of the above-named student and hereby give permission for this student to carry and use the EpiPen described above at the School and any activity, event, or program sponsored by the School or in which the School is a participant.

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

Emergency Contact Number: \_\_\_\_\_

*This form must be fully completed and turned in to the Executive Director/Superintendent and the School Nurse, if one exists.*

[Adoption date: June 4, 2015]



## KNOWN FOOD ALLERGIES

The School seeks to provide a safe environment for all its students. The School understands that peanuts and other food allergies present serious dangers to students and have become increasingly common. This policy seeks to reduce the likelihood of accidental exposure allergic reactions and to create a clear action plan should an allergic reaction occur.

### Emergency Food Allergy Plan

An Emergency Food Allergy Plan (EFAP) shall be created for each student identified with any peanut or other food allergy. The EFAP shall be developed by the student's parents, the student's physician/allergist, and the School nurse (or other appropriate designee of the School). A separate EFAP shall be completed for each known food allergy, and shall be completed prior to entry into the School or immediately after the diagnosis. Each EFAP must be reviewed on a yearly basis.

Each EFAP shall contain detailed information about preventative measure to avoid accidental exposure and emergency measures in case the student is exposed to the allergen.

The School shall share the student's EFAP with Staff members as appropriate.

With the consent of the student's parents (or with the consent of the student, if the student is over eighteen (18) years of age), the School may utilize the EFAP or the information contained therein in its efforts to educate and/or notify classmates and/or classmates parents of the student's peanut or other food allergy.

### School Responsibilities

The School shall

- review and maintain all health records and EFAPs submitted by parents and doctors;
- review this policy and prevention plans with core staff members; and
- follow all state/federal laws regarding sharing medical information.

**Student's Responsibilities** Students with known peanut or other food allergies should take several steps to prevent allergic reactions. Students:

- should not trade food with others;
- should not eat anything with unknown ingredients; and
- identify an adult immediately if they eat something that may contain peanuts or other foods to which they are allergic

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**Parental Responsibilities** The parents of each student with a known peanut or other food allergy shall do each of the following:

- notify the Coordinator/Principal of the known peanut or other food allergy in writing at the beginning of each school year (a sample notification form is included as Form **JDD**);
- execute an Emergency Medical Authorization for the student, listing all known peanut or other food allergies in the appropriate sections;
- develop an Emergency Food Action Plan;
- provide the School with all medication(s) to be used in the case of an allergic reaction, along with the completed copy of Form **JDD-1**, Medication Request Form, or, if the student will carry and self-administer an EpiPen, shall submit a completed copy of Form **JDD-2**, Permission to Carry and Self-Administer Epinephrine Autoinjector; and
- work with the student in managing the student's food allergy including reviewing the student's responsibilities listed in this policy, reviewing the weekly lunch menu to identify appropriate foods, establishing a list of "safe foods" which do not contain the known allergen, and discussing the self-discipline that is required at School functions and other activities where food is being offered.

[Adoption date: June 4, 2015]

[Revision date: June 1, 2017]

[Revision date: April 26, 2018]

*Ohio*: R.C. 3313.719.

File: JDD Form

Notification of Known Food Allergy Student Food Allergy Information

Student Name: \_\_\_\_\_ Grade: \_\_\_\_\_  
Food Allergy: \_\_\_\_\_

Recommended Actions and/or Medications: \_\_\_\_\_  
\_\_\_\_\_

This food allergy is potentially life-threatening: ☐ Yes ☐ No

**Parental Certification**

I, \_\_\_\_\_, the legal parent or guardian of the above-named student,  
hereby certify the following:

☐ I have completed and submitted to the School an Emergency Medical  
Authorization Form;

☐ I have cooperated with the appropriate School officials in creating or updating  
a Food Action Allergy Plan;

☐ I have educated my child regarding effective management of this food allergy.  
We have identified a list of “safe foods,” will review the weekly lunch menu together,  
and have discussed the self-discipline that will be necessary at any School event or  
activity where food is being offered.

Please Check: ☐ Yes ☐ No I give my permission for the School to notify classmates and  
classmates’ parents about my child’s food allergy.

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

[Adoption date: June 4, 2015]

## PEANUT ALLERGY PROTECTION POLICY

A sign will be posted that peanut products might be present in the Findlay Digital Academy office. If a student has a peanut allergy a room will be cleared of peanut products, and the student will work in that area when they are in attendance at the academy.

[Adoption date: April 7, 2011]

[Reviewed: June 4, 2015]

## INOCULATIONS OF STUDENTS

At the time a student initially enrolls in the School, and at the beginning of each school year while enrollment continues, each student shall have sufficient written evidence on file at the School demonstrating that he/she has been immunized against diphtheria, tetanus, pertussis, poliomyelitis, measles, mumps, rubella, Hepatitis B, chicken pox, and all other things as required by applicable statutes, regulations, and guidelines (hereinafter “mandatory immunizations”).

“Sufficient written evidence” is defined as either a signed statement from the student’s physician or a signed statement from the student’s parent indicating the immunizations received and the dates on which they were received. If the only written evidence presented to the School is a parent’s signed letter, the Executive Director/Superintendent, in his sole discretion, may request additional written evidence, up to and including a signed doctor’s statement.

A student shall not be permitted to remain in School for more than fourteen (14) days without either sufficient written evidence of all mandatory immunizations or sufficient written evidence that the student is in the process of being immunized, as defined by section 3313.671 of the Revised Code. Students who do not comply with this Policy shall be excluded from the School and permitted to re-enter only upon presenting sufficient written evidence of all mandatory immunizations or sufficient written evidence that the student is in the process of being immunized.

Any student who is admitted while “in the process of being immunized” must obtain immunizations at the appropriate time intervals until all mandatory immunizations are completed. Any student who was previously admitted under the “in the process of being immunized” exception but has not adhered with the appropriate immunization interval schedule shall be excluded from the School on the fifteenth (15<sup>th</sup>) day of the following school year. Such a student shall be permitted to re-enter School only upon presenting proper written evidence demonstrating appropriate progress on the immunization interval schedule.

Under certain circumstances, a student may be exempted from one or more of the mandatory immunizations. A student is exempt if the student presents:

- a signed statement from the student’s parent, guardian, or physician stating that the student has already had natural rubeola, mumps and/or chicken pox, and therefore is not required to receive the respective immunization(s);
- the results of a laboratory test, signed by a physician, demonstrating the student has a detectable amount of rubella (German measles) antibodies, and therefore does not need to be immunized against rubella;

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- a written statement from the student's parent or guardian stating that the parent or guardian declines to have the student immunized for reasons of conscience, including, but not limited to, religious convictions; or
- a written certification from the student's physician stating that one or more mandatory immunizations are medically contraindicated.

In consideration of any of the aforementioned exemptions, the Executive Director/Superintendent reserves the right, in his sole discretion, to require additional evidence to support the claimed exemption. The Executive Director/Superintendent has the exclusive discretion and authority to decide whether or not a claimed exemption exists.

## Chicken Pox Epidemic

If the Ohio Health Department determines that a chicken pox epidemic exists among the School's population, the Executive Director/Superintendent may deny admission to any student who was not immunized against chicken pox despite the above exceptions. The student will be permitted to re-enter the School once the Executive Director/Superintendent is notified that the epidemic no longer exists. The academic standing of any student who is denied admission during a chicken pox epidemic may be preserved, subject to other School Policies as well as approval from the Executive Director/Superintendent and the Governing Authority.

[Adoption date: May 10, 2005]

[Revised date: June 4, 2015]

LEGAL REFS.: ORC 3313.67; 3313.671; 3313.71; 3313.711  
3701.13

Note: See link below for a chart of required inoculations:

*<http://www.odh.ohio.gov/odhprograms/dis/immunization/imunchsc.aspx>*

## STUDENT SAFETY

The objectives of safety instruction in the School include:

- learning how to practice safety and prevent accidents;
- learning how to safely use and properly care for tools and equipment so as to reduce the potential for accidents;
- developing habits of good housekeeping, proper storage and handling of materials, and sanitation;
- becoming familiar with personal protection devices (students and teachers will wear industrial quality eye protection devices when participating in or observing any activities described in ORC 3313.643) and the proper clothing to be worn for safety purposes and
- learning how to cooperate with others in the promotion and operation of a safety program in the schools and on school vehicles.

Instruction in courses in industrial technology, science, family consumer science, art, physical education, health and safety includes and emphasizes safety and accident prevention.

Safety instruction precedes the use of materials and equipment by students in the courses listed above, and instructors teach and enforce all safety rules established for the particular courses. These include the wearing of personal protective devices in appropriate situations.

Staff members instruct students not to accept gifts or automobile rides from strangers. Students are also instructed to tell staff members, parents, law enforcement officials or school safety patrols of any suspicious strangers in or around school property.

Upon the written request of a parent, a student shall be excused from such instruction.

In an attempt to further ensure student safety, staff members:

- shall not send students on errands;
- shall not attempt to counsel, assess, diagnose or treat a student's personal problem relating to sexual behavior, substance abuse, mental or physical health and/or family relationships but, instead, should refer the student to the appropriate individual or agency for assistance;
- shall not disclose information concerning a student, other than directory information, to any person not authorized to receive such information. This includes, but is not limited

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to, information concerning assessments, ability scores, grades, behavior, mental or physical health and/or family background and

- shall, pursuant to law and Board policy, immediately report any suspected signs of child abuse or neglect.

[Adoption date: May 10, 2005]

[Reviewed date: June 4, 2015]

[Revision date: June 1, 2017]

LEGAL REFS.: ORC 3313.60; 3313.643; 3313.96  
3705.05  
3737.73  
4107.31  
OAC 3301-35-03



## REPORTING CHILD ABUSE & NEGLECT

Under this policy and Ohio law, all employees are *required* to report child abuse when the employee knows of or *has reasonable cause to believe* abuse or neglect has occurred to a child. The employee shall immediately (1) inform the School's Executive Director/Superintendent and (2) report that knowledge or belief to either the children services agency or a municipal or county peace officer. The School shall assist the employee in creating the report, but Ohio law requires each employee to make the report directly.

"Abuse or neglect" is defined to include any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child.

"Child" or "Children" are defined to include those under eighteen (18) years of age or a developmentally disabled or physically impaired child under twenty-one (21) years of age.

Employees are *required* to report suspected cases if they cannot confirm abuse or neglect, but have a "good faith" belief that child abuse or neglect has occurred or may occur. Ohio law provides School employees that make reports in good faith complete immunity, civil or criminal, in participating in the making of a report.

Failure to make a required report may result in disciplinary and legal action.

### Reports

Reports to the authorities may be made in telephone or in person.

If the receiving agency or receiving officer requests a report, the written report must contain the following: (1) the names and addresses of the child and the child's parents or the person or persons having custody of the child, if known; (2) the child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed to exist; (3) any other information that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as to exist; (4) an employee, with the consent of the Executive Director/Superintendent may take or cause to be taken color photographs of areas of trauma visible on a child.

### Confidentiality

The School recognizes the importance of confidentiality in making reports. Ohio law provides that the report and its contents are confidential. Additionally, the reporting person's identity will remain confidential unless the reporting person discloses his/her identity or a court order requires it. Finally the identity of the student that suffered the alleged abuse will remain confidential.

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Any individual that violates this policy may be subject to disciplinary, civil, and/or criminal action.

### Training

To ensure that employees are aware of the severity of abuse and to aid them in identifying instances of abuses, the School and Ohio law require in-service training (Training). Training is required for all teachers, counselors, school psychologists, nurses and administrators. Each staff member must complete at least four (4) hours of Training within two (2) years of commencing employment with the School, and at least four (4) additional hours every five (5) years thereafter.

The training shall address the School's policy on harassment; intimidation; & bullying, preventing child abuse, violence, substance abuse, promoting positive youth development, school safety, suicide awareness and prevention, and human trafficking. The Training's curriculum shall be developed either by the School or the Ohio Department of Education. For middle school and high school employees, the School's training shall also include training in preventing dating violence, which will be developed by the School.

### Human Trafficking

Approximately one-third of all human trafficking cases reported to the National Human Trafficking Resource Center Hotline involve minor victims. The US Department of Education and the Ohio Department of Education both recognize human trafficking as a form of violence against children that needs to be addressed in school settings.

All employees of the School shall be aware of the signs of human trafficking as set forth in the Ohio Department of Health's resources for school nurses. These may be found at the links set forth below:

<https://www.odh.ohio.gov/-/media/ODH/ASSETS/Files/chss/school-nursing/2014-PROTOCOL-FlowChart.pdf?la=en>

<https://www.odh.ohio.gov/-/media/ODH/ASSETS/Files/chss/school-nursing/2014-PROTOCOL-General-Info.pdf?la=en>

<https://www.odh.ohio.gov/-/media/ODH/ASSETS/Files/chss/school-nursing/2014-Definitions.pdf?la=en>

Possible behavioral indicators of a child human trafficking victim include:

- An inability to attend school on a regular basis and/or unexplained absences
- Frequently running away from home

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- References made to frequent travel to other cities
- Bruises or other signs of physical trauma, withdrawn behavior, depression, anxiety, or fear
- Lack of control over a personal schedule and/or identification or travel documents
- Hunger, malnourishment, or inappropriate dress (based on weather conditions or surroundings)
- Signs of drug addiction
- Coached or rehearsed responses to questions
- A sudden change in attire, behavior, relationships, or material possessions (e.g., expensive items)
- Uncharacteristic promiscuity and/or references to sexual situations or terminology beyond age-specific norms
- A “boyfriend” or “girlfriend” who is noticeably older and/or controlling
- An attempt to conceal scars, tattoos, or bruises
- A sudden change in attention to personal hygiene
- Tattoos (a form of branding) displaying the name or moniker of a trafficker, such as “daddy”
- Hyperarousal or symptoms of anger, panic, phobia, irritability, hyperactivity, frequent crying, temper tantrums, regressive behavior, and/or clinging behavior
- Symptoms of daydreaming, inability to bond with others, inattention, forgetfulness, and/or shyness

*Ohio:* R.C. 2151.421, R.C. 3319.073, O.A.C. 3301-57-01.

[Adoption date: May 10, 2005]

[Revision date: June 4, 2015]

[Revision date: April 26, 2018]

LEGAL REFS.: ORC 2151.421  
3319.073  
OAC 3301-57-01

## STUDENT FEES, FINES AND CHARGES

### Materials Fees

There is no tuition required for full-time attendance. However, reasonable fees may be charged for specific courses similar to procedures in other public schools.

The school will determine fees based upon the approval of the Board of Directors. These fees will be assessed for such items as workbooks and necessary materials; in some instances items will be course-specific.

### Fines

When school property, equipment or supplies are damaged, lost or taken by individuals, a fine is assessed. The fine is reasonable, seeking only to compensate the school for the expense or loss incurred.

The late return of borrowed materials and equipment is subject to appropriate fines.

All fines collected are sent to the Treasurer for deposit in the general fund of the Board.

### Collection of Student Fees and Fines

The administration may establish regulations for the collection of student fees and fines.

No diploma shall be delivered to a graduating senior nor shall any transcripts be made available to any student, graduate or to anyone requesting same on his/her behalf until all fees and fines for that student have been paid in full. Fees include those fees owed to Findlay City Schools, to the Findlay Digital Academy or to METASOLUTIONS/TRECA. Participation in extracurricular field trips will not be permitted unless payment has been received. Students will be prohibited from participating in commencement exercises unless payment has been received.

### Collection Process

The administrator will advise parents of fees due at the beginning of the school year that are part of the current year's curriculum.

[Adoption date: May 10, 2005]

[Reviewed: June 4, 2015]

LEGAL REFS.: ORC 3313.642  
3329.06

## REPORTING ACCIDENTS & TREATING INJURIES

Staff members are required to report all accidents by using Form JJJ, Accident Report Form.

All accidents must be reported when they occur (1) on school property, (2) at school-sponsored events, or (3) while on school transportation.

Should an injury occur, first aid kits are available in the following locations:

- ☐ rest room area alcove,

Minor injuries, such as scratches or cuts, may be treated in the School. More serious injuries require each staff member to contact the student's parent or guardian. If the injury requires medical treatment, the proper procedure shall be followed and the child's health form should be accessible. If medical help is sought, the School will follow determinations made regarding additional treatment. All forms will be gathered, summarized, and reported to the Governing Authority.

[Adoption date: June 4, 2015]

ACCIDENT REPORT FORM

Student Name: \_\_\_\_\_

Grade: \_\_\_\_\_

Date of Accident: \_\_\_\_\_ Time of Accident: \_\_\_\_\_ am / pm

Staff member in charge at time of accident: \_\_\_\_\_

Location of Accident: \_\_\_\_\_

Please describe the accident, including events leading up to the accident, any equipment involved, and the students activity at the time of the accident: \_\_\_\_\_

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Responsive Action Taken: Notification of Parent

First Aid Treatment   Sent to School Nurse   Sent Home   Sent to Physician   Sent to Hospital

\_\_\_\_\_

By (name): \_\_\_\_\_

By (name): \_\_\_\_\_

By (name): \_\_\_\_\_

By (name): \_\_\_\_\_

By (name): \_\_\_\_\_

By (name): \_\_\_\_\_

By (name): \_\_\_\_\_

**Accident Report Form**

Witness Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Additional Remarks: \_\_\_\_\_

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Name of Person Submitting Report: \_\_\_\_\_

[Adoption date: June 4, 2015]

File: JKK

## STUDENT RECORDS

In order to provide students with appropriate instruction and educational services, it is necessary for the Findlay Digital Academy to maintain extensive educational and personal information. It is essential that pertinent information in these records be readily available to appropriate school personnel, be accessible to the student's parent(s) or the student in compliance with law, and yet be guarded as confidential information.

The Executive Director/Superintendent or designee is responsible for the proper administration of student records in keeping with State law and Federal requirements and the procedures for the collection of necessary information about individual students throughout the School.

The Findlay Digital Academy provides notice to parents and eligible students annually, in accordance with the procedures set forth under administrative regulations, of the rights held by parents and eligible students under law and this policy. This notice is provided at the time the student enrolls in the academy.

The School maintains records of students. The School prohibits the release of personally identifiable information except as is permitted by law or by this policy manual. The Student Record File is available to the student, the Student's Parents/legal guardians, or school officials who have a legitimate purpose for accessing the File.

### Access By Parents & Students

The student's parents/guardian, or if the student is eighteen (18) years of age or older, the student himself/herself, may request to:

- *Inspect and Review Education Records.* Records requests are to be made in writing and shall be conducted within forty-five (45) days of the School's receipt of the request.
- *Challenge the accuracy of information contained in the records.* A parent or qualifying student may challenge the content of such student's education records in order to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy rights of students. The School shall provide an opportunity for the correction or deletion

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of any such inaccurate, misleading, or otherwise inappropriate data and to insert into such records a written explanation of the parents respecting the content of such records. Should the School decide not to amend the records, the School shall advise the requesting party of their right to a hearing regarding the request for amending the record.

- *Authorizing Release of Written Information.* Records requests by parents/guardians or eligible children are to be made in writing. **Release of Information** The School may release “directory information” as provided under Ohio and Federal law. Directory information includes, but is not limited to, the student’s name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, grade level, enrollment status, dates of attendance, date of graduation, sports and activities participated in, degrees; honors and awards received; most recent educational agency or institution attended, and in the case of athletic team members, the height and weight of the student. If the School chooses to issue personally identifiable information, then it must provide a proper notice. The School may release “personally identifiable information” in certain instances. This information may be released to/for:
- *School Officials.* Teachers and other School Officials having legitimate educational interests may access a student’s records. A legitimate educational interest includes: accessing the record pertains to a task in the official’s job description, contract, or other document of employment; pertains to a task relating to educating, disciplining, or providing service to the student or the student’s family; or any other purpose the School deems necessary.
- *Officials in Other Schools.* Officials of other schools may have access when the student intends to enroll. Parents must be notified and given an opportunity to challenge the content of the record
- *State and Federal Officials.* State and federal officials may access a student’s record for purposes of audits and law enforcement investigations.
- *Financial Aid.* Persons requesting such records in connection with the student's application for financial aid;
- *Military Recruiters.* Pursuant to Ohio and Federal Law, the School will provide student information of students in grades ten (10) through twelve (12), upon request to any recruiting officer for any branch of the United States armed forces who requests such information. Any data received by a recruiting officer shall be used solely for the purpose of providing information to students regarding military service and shall not be released to any person other than individuals within the recruiting services of the armed forces. The School will provide notice that a student’s parent, guardian, or custodian may request in writing that the School not release the information to military recruiters. Upon receiving such a written notice, the School will not release the student’s information.
- *Anti-Terrorism Purposes.* In certain instances, student records may be obtained by an Assistant U.S. Attorney General or higher-ranking federal official.
- *Court Orders or Subpoenas.* Student records may be produced in response to a court



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order or a lawfully issued subpoena.

- *Missing Children.* Information may be provided to a law enforcement officer when the officer indicates an investigation is ongoing and the student may be or is a missing child, as defined by the Revised Code.
- *Personal Knowledge.* A School Official may release information when it is obtained through the official's personal knowledge or observation and not the education record.
- *Ohio Department of Education Requests.* The School shall provide the Ohio Department of Education (ODE) with student information when (1) a testing company has notified the ODE that the student's written response to a question included threats or descriptions of harm to another person or the student's self and the information is necessary to enable the department to identify the student, (2) the ODE requests information to respond to an appeal from the School on an achievement test, or (3) to determine if the student satisfies alternative conditions for a high school diploma.
- *The School's Sponsor.* The School may provide its Sponsor with access to student or other records if agreed to and required in the School's Charter Contract with its Sponsor.

### *Health & Safety Emergency.*

The School may disclose personally identifiable information to necessary parties if knowledge of the information is necessary to protect the health or safety of a student or others. The school must determine and record the articulable and significant threat.

### Transfer of Records

The School shall transfer all records to another school upon being notified the student has transferred and the transferring school requests the records files.

When a request is made for student records by a school enrolling a former student placed in foster care, the School shall transfer these records within one (1) school day of the request from the enrolling school.

### Security of Records

To maintain the security and confidentiality of the documents, the School shall require an employee to be present when records are inspected. The School shall also maintain a record log of all persons who access a student's records. The log must identify (1) all individuals and agencies that are granted access and (2) a statement regarding the legitimate interest in obtaining student information. The student log must be signed by employees of the School as well as non-school employees.

### *Safe at Home Program*

If a parent, student, or member of a student's household is a participant in Ohio's Safe at Home or Address Confidentiality program, the student or student's parent must notify the School of the same and provide certification of their participation.

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The School shall not include a student's actual or confidential residential address in any student files or records (including electronic records and files) or disclose the student's actual or confidential residential address when releasing student records. The School shall only use the address designated by the Ohio Secretary of State for the participant student for student records, including the release of the same to non-custodial parents, designated school officials who have legitimate educational interest in the information and other individuals or organizations as permitted by law. The student's actual or confidential address shall be maintained in a separate confidential file which shall not be accessible to the public or employees without a legitimate purpose.

The School shall use the student's designated address for all communications and correspondence unless instructed otherwise by the parent or adult student.

## Disseminating this Policy

In accordance with federal law, parents shall be informed on an annual notice regarding their rights under this policy, state law, and federal law. The form shall specifically state what information is considered "directory information." A parent may object within ten (10) days of the receiving the notice. Upon receiving notice from the parent, the School shall not release such information without obtaining consent.

[Adoption date: May 10, 2005]

[Revision date: June 4, 2015]

[Revision date: August 10, 2017]

LEGAL REFS.: The Elementary and Secondary Education Act; 20 USC 1221 et seq.  
Family Educational Rights and Privacy Act; 20 USC Section 1232g  
ORC 149.41; 149.43  
1347.01 et seq.  
3317.031; 3331.13  
3319.32; 3319.321; 3319.33; 3321.12; 3321.13  
OAC 3301-35-04; 3301-35-07

File: JLL

## FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

### Notice for Directory Information

The *Family Educational Rights and Privacy Act* (FERPA), a Federal law, and Ohio Law require the School to protect the privacy of student records.

As a parent you, or your child—if your child is 18 or older—has the right to inspect and review the student’s education records, request that the School correct records, and provide written permission to release student records. All requests to inspect, review, and release are to be done in accordance with the School’s policies.

While the School generally must obtain your written consent prior to disclosing personally identifiable information from your child’s education records, the School may disclose appropriately designated “directory information” without written consent, unless you have

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advised the School otherwise.

The primary purpose of directory information is to allow the School to include directory information from your child's education records in certain school publications. Examples include: the annual yearbook, Honor roll or other recognition lists, and Graduation programs.

Directory information may be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks.

The School has designated the following information as directory information:

Name	Major Field of Study
Address	School Related Publications
Telephone Number	Grade Level
Email Address	Dates of Attendance
Photograph	Date of Graduation
Date/Place of Birth	Sports & Activities

If you do not want the School to disclose directory information from your child's education records without your prior written consent, you must notify the District in writing by within ten (10) days of receiving this notice. Additionally, FERPA and Ohio law authorize disclosure of personally identifiable information in certain instances without consent. These exceptions include:

- school officials with legitimate educational interest;
- other schools to which a student is transferring;
- appropriate parties in connection with financial aid;
- state and Federal Officials for purposes of audits and law enforcement investigations;
- in response to court orders and subpoenas;
- military recruiters unless the parent requests in writing that the School not release the student's information;
- anti-terrorism purposes;
- cases of missing children;
- Ohio Department of Education requests; and

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- the School's Sponsor.

[Adoption date: June 4, 2015]

[Reviewed and readopted: April 1, 2019]

DENIAL OF PERMISSION TO RELEASE DIRECTORY INFORMATION WITHOUT PRIOR  
WRITTEN CONSENT

Dear Parent:

Certain directory information may be released to media, colleges, civic or school-related organizations and state or governmental agencies as well as published in programs of the Findlay Digital Academy.

Directory information includes the following kinds of information:

- student's name
- student's address
- participation in officially recognized activities
- student's achievement awards or honors
- dates of attendance and graduation ("from and to" dates of enrollment)
- phone number
- weight and height of members of athletic teams
- email addresses
- photographs
- date and place of birth
- major field of study
- grade level

Please circle the specific categories of information, if any, listed above that you do **not** wish to be released without your specific prior written permission.

\_\_\_\_\_ The release of all Directory Information is denied.

This form must be completed and returned to the principal within 10 days after publication of the notice on "Directory Information" if the release of specific Directory Information is denied.

\_\_\_\_\_  
Name of Student

\_\_\_\_\_  
School

\_\_\_\_\_  
Grade

\_\_\_\_\_  
Parent's/Guardian's Signature

\_\_\_\_\_  
Date

[Adoption date: May 10, 2005]

[Reviewed: June 4, 2015]

[Reviewed and readopted: April 1, 2019]

PHOTO PUBLICITY PERMISSION FORM

I understand that there may be situations when/where the School (Findlay Digital Academy/METASOLUTIONS/TRECA) will have the opportunity to photograph or videotape my child.

I give permission to use the photographs/video as the School deems necessary to publicize the event in which they attended. I further agree that Findlay Digital Academy has my permission to use the photographs/video for publicity or any other venues in relation to promoting the Findlay Digital Academy.

PARENT/GUARDIAN SIGNATURE \_\_\_\_\_

CHILD/CHILDREN \_\_\_\_\_

DATE \_\_\_\_\_

[Adoption date: May 10, 2005]

[Reviewed: June 4, 2015]

[Reviewed and readopted: April 1, 2019]

## HOMELESS CHILDREN AND YOUTH PLACEMENT

In accordance with the McKinney-Vento Homeless Assistance Act and Ohio law, the School believes all homeless children have a right to equal educational opportunities. The School shall provide services to each homeless child or youth that is comparable to services offered to other students in the School.

A “homeless” child or youth is an individual that lacks a fixed, regular and adequate night time residence and includes an individual that:

- is “doubling up” or is sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;
- is living in a motel, hotel, trailer park or campground due to the lack of alternative adequate accommodations;
- is living in emergency or transitional shelters;
- is abandoned in a hospital;
- is awaiting foster care;
- has a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
- is living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or
- is a migratory child as defined by the McKinney-Vento Act and Federal Law.

### School Placement & Enrollment

In determining where a homeless child or youth attends school, the School shall place the child according to the child’s best interest. The determination shall be based on the following:

- when a child becomes homeless during the school year or in between school years, the School shall continue the child’s education in the school of origin for the duration of homelessness;
- if the child becomes permanently housed during an academic year, the School shall continue the child’s education in the school of origin for the remainder of the academic year;
- enroll the child or youth in any public school that non-homeless students who live in the



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attendance area in which the child or youth is actually living are eligible to attend; and

- factors a school may consider include: the child's age, the distance of a commute, personal safety issues, the student's need for special instruction, length of time anticipated in a temporary shelter, time remaining in the school year. The School shall keep a homeless child or youth in the "school of origin" unless the "school of origin" is contrary to the wishes of the child or youth's parent guardian. The school of origin is the school the student attended when permanently housed or last enrolled. If the School wishes to send a homeless child to a school other than the school of origin or the school requested, the School must provide a written notice containing an explanation and a statement regarding the right to appeal the decision. The written notice of explanation must be provided to the parent or guardian. The process for resolving disputes is discussed below.

Homeless students should be enrolled immediately. Enrollment shall occur even if the student does not have the enrollment records required by the School. The School shall contact the school last attended by the student to obtain health records and shall immediately refer the homeless child's parent or guardian to the School's homeless liaison so additional documents may be obtained. The School must obtain all records in a timely fashion.

Enrolled homeless students shall be provided services comparable to services offered to other students in the school. Services include, but are not limited to: transportation, programs in vocational and technical education, programs for gifted and talented students, school nutrition programs, and before/after school programs.

### Disputes Regarding Placement

Should a dispute arise, the dispute resolution process should follow these guidelines. The dispute resolution process shall be as informal and accessible as possible, allowing for impartial and complete review. Students are to be provided with all services for which they are eligible while the dispute is being resolved. Parents, guardians and unaccompanied youth should be able to initiate the resolution process directly at the school they choose, as well as at the district LEA homeless liaison's office. Parents, guardians, and unaccompanied youth should be informed that they can provide written or oral documentation to support their views. Written documentation should be complete, as brief as possible, simply stated, and be provided in a language the parent, guardian, or unaccompanied youth can understand.

Should a dispute arise over school selection or enrollment in a school the following procedure is to be followed:

- The Local Education Agency (LEA) shall provide the parent or guardian with a written explanation of the school's decision regarding school selection or enrollment.
- The LEA shall inform the parent or guardian in writing of their right to appeal the decision.
- Should the dispute continue the LEA shall refer the parent or guardian to the local LEA liaison who shall review the complaint and issue an opinion in writing to the parent or guardian.

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- Should the dispute continue the LEA liaison shall assist the parties involved in presenting the situation to the Ohio Department of Education homeless education coordinator.
- The homeless education coordinator shall recommend a decision for distribution to the parent, local superintendent and local educational agency liaison.
- Should the dispute continue the final appeal is made to the State Superintendent of Public Instruction for review and disposition.

## Liaison for Homeless Children

The Executive Director/Superintendent shall appoint a Liaison for Homeless Children. The Liaison will perform, coordinate, and collaborate with the State Coordinator for the Education of Homeless Children and Youth and shall work to ensure the School complies with this policy and all applicable law.

## Transportation

The School shall provide transportation, at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), to and from the school of origin, if:

- The child continues to live in the area served by the LEA in which the school of origin is located, the child's transportation to and from the school of origin shall be provided or arranged by the local educational agency in which the school of origin is located.
- The homeless child's living arrangements in the area served by the LEA of origin terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another LEA, the LEA of origin and the LEA in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the LEAs are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

[Adoption date: February 28, 2008]

[Revision date: June 4, 2015]

*Federal: 42 U.S.C. 11431, et seq.*

File: JMM Form 1

[3516]

IDENTIFICATION OF HOMELESS CHILDREN AND YOUTH FORM

Student Name: \_\_\_\_\_ Student Social Security Number: \_\_\_\_\_

Under federal law, the School identifies all homeless children. A “homeless” child or youth is defined as an individual that lacks a fixed, regular and adequate night time residence. If your child is not homeless please sign below and do not complete the rest of the form. If you are unsure if your child may be considered homeless, please complete the rest of the form.

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

Where is the student currently living: (Mark an “X” next to all that apply)

<input type="checkbox"/>	Motel, hotel, camp ground, shelter
<input type="checkbox"/>	A house with another family
<input type="checkbox"/>	A house with other family members
<input type="checkbox"/>	Other

Please identify all persons the student currently lives with and state their relationship to the Student (parent, relative, friend):

☐ Adults (Name/Relationship)

\_\_\_\_\_

☐ Siblings

\_\_\_\_\_

**INFORMATION BELOW IS TO BE COMPLETED BY THE SCHOOL**

**INFORMATION BELOW IS TO BE COMPLETED BY THE PARENT/GUARDIAN  
AFTER THE SCHOOL MAKES AN ENROLLMENT DECISION**

By law, you have the right to appeal the School's Enrollment Decision. If you do appeal, your child will still be permitted to enroll in the school of your choice until the appeal process is completed. Once the appeal is completed, the child will be enrolled in the appropriate school.

I (circle one) DO / DO NOT exercise my right to appeal the School's Enrollment Decision.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ If  
you decided to appeal the decision, please complete the appeal form. [Adoption date: June 4,  
2015]

File: JMM Form 2

[3516]

**APPEAL OF SCHOOL'S ENROLLMENT DECISION**

Please state your reason for appeal:

\_\_\_\_\_

Please state the school that you choose your child to be enrolled until this appeal is completed:

\_\_\_\_\_

Is the school identified above, the school your child attended before becoming homeless or where your child was last enrolled?

Circle One: Yes No

**TO BE COMPLETED BY EXECUTIVE DIRECTOR/SUPERINTENDENT**

Date Notice of Appeal was Received \_\_\_\_\_. Action must be taken within ten (10) business days after receiving notice of the appeal. Action was taken within \_\_\_\_ business days.

Explain the action taken to resolve the Dispute:

\_\_\_\_\_

Identify final resolution of the Dispute:

\_\_\_\_\_

**To the parent/guardian.** You have the right to appeal this decision to Ohio Department of Education. Appeals may be made by sending an appeal to the following address:

Findlay Digital Academy

Ohio Department of Education 25 S. Front Street Columbus, OH 43215-4183

[Adoption date: June 4, 2015]

## DISPLAYING MOTTOS OF THE UNITED STATES AND OHIO

The official motto of the United State of America is “In God We Trust,” and the official motto of the State of Ohio is “With God, All Things Are Possible.” The School shall accept donated copies of either motto or accept money for the purchase of the copies of the mottoes and shall display the motto in an appropriate manner in a classroom, auditorium, or cafeteria in the School, provided the motto meets the following conditions:

- the motto is printed on durable, poster-quality paper or displayed in a frame;
- the dimensions of the paper or frame are at least eight and one-half (8 1/2) inches by eleven (11) inches;
- the copy contains no words other than the motto and language identifying the motto as the motto of the United States of America or Ohio; and
- the copy contains no images other than appropriate representations of the flag of the United States of America or Ohio. In lieu of complying with the above conditions, the School’s Governing Authority may adopt, by a majority vote, a resolution describing appropriate design requirements for copies of the official mottoes of the United States of America and Ohio. If a copy of the official motto of the United States of America or Ohio that meets the design requirements described in the Governing Authority's resolution is donated to the School, or if money is donated to the district specifically for the purpose of purchasing such material, the Governing Authority shall accept the donation and display the motto in an appropriate manner in a classroom, auditorium, or cafeteria of the School.

[Adoption date: June 4, 2015]

*Ohio: R.C. 3313.801*

## CONSTITUTION DAY

Constitution Day and Citizenship Day commemorate the formation and signing on September 17, 1787, of the Constitution and recognize all who, by coming of age or by naturalization, have become citizens. In recognition of this day, the School shall hold an educational program pertaining to the United States Constitution on September 17 of each year. If September 17 falls on a weekend or holiday, the program will be held the week prior to or after September 17. Since Findlay Digital Academy offers all curricula on-line, the educational program will be offered on-line at the appropriate time.

[Adoption date: June 4,2015]

*Federal:* 36 U.S.C. 106.

## EMERGENCY MANAGEMENT PLAN

The School recognizes that it can best protect its students by planning for unlikely contingencies. The Executive Director/Superintendent is hereby directed to develop, adopt, and implement a comprehensive Emergency Management Plan (Plan) in accordance with rules adopted by the State Board of Education.

In developing the Plan, the Executive Director/Superintendent shall examine the environmental conditions and operations of the School building to determine potential hazards to the safety of students and Staff members and shall propose operating changes necessary to prevent these identified hazards. The Executive Director/Superintendent shall involve local law enforcement and safety officials, students' parents, staff members, and other employees in developing the Plan. Remediation strategies shall be incorporated into the Plan where documented safety problems have occurred.

The following information shall be incorporated into the Plan:

- A protocol for addressing serious threats to the safety of the School property, students, staff members, administrators, or other employees; and
- A protocol for responding to any emergency events that do occur and that compromise the safety of School property, students, Staff members, administrators, or other employees. The protocol shall include, but not be limited to: (1) a floor plan that is unique to each floor of the building, (2) a site plan that includes all building property and surrounding property; and (3) an emergency contact information sheet.

The protocols described above shall include procedures deemed appropriate by the Governing Authority for responding to threats and emergency events, respectively, including such things as notification of appropriate law enforcement personnel, procedures to be followed by staff and students, calling upon specified emergency response personnel for assistance, and informing the parents of affected students.

Prior to the opening day of each school year, the Governing Authority shall inform each enrolled student and the student's parents of the parental notification procedures included in the protocol.

### Distributing the Plan

A copy of the plan shall be kept in a secure place.

The Executive Director/Superintendent shall also submit to the Ohio Department of Education an electronic copy of the Plan (1) not less than once every three years, (2) whenever a major modification to the building requires change in the Plan's procedures, and (3) whenever the emergency contact information sheet changes.

The Executive Director/Superintendent shall also file a copy of the Plan to each law enforcement agency that has jurisdiction over the School.

Executive Director/Superintendent – upon request - shall file a copy of the Plan to any of the following:



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- the local fire department,
- the local emergency medical service organization, and
- the county emergency management agency.

### Review of Plan

The Executive Director/Superintendent shall review the Plan no later than July 1<sup>st</sup> of each year and certify to the Department of Education that the plan is complete and accurate.

Within 10 days of revising or changing the plan, the Executive Director/Superintendent shall file copies, with the Department of Education, each law enforcement agency, and other local agencies that have requested copies of the Plan.

### Training and Preparedness

The School shall grant access to each school building under its control to law enforcement personnel to enable the personnel to hold training sessions for responding to threats and emergency events affecting the building, provided that the access occurs outside of the student instructional hours and an employee of the Governing Authority is present in the building during the training sessions.

The School shall prepare and conduct at least one annual emergency management test. This test means a regularly scheduled drill, exercise or activity designed to assess and evaluate the Plan.

After the occurrence of an emergency triggering the School Safety Plan, a written report shall be submitted to the Governing Authority: including the date and time of the emergency and any actions taken to secure the safety of the students and Staff members.

### Public Record Status

The Plan and information required under this policy are security records and are not public records pursuant to Ohio Revised Code.

[Adoption date: June 4, 2015]

ORC: 3313.536, 3314.01 (A)(11)(d)

File: JQQ

## CHILD FIND

As required by Ohio law, the School shall adopt and implement written policies and procedures that ensure all children with disabilities residing within the district, including children with disabilities, regardless of their situations, who are in need of special education and related services are identified, located, and evaluated as required by Federal Law.

For the purposes of this policy, “child(ren) with disabilities” is defined to include a child with a cognitive disability, hearing impairment, autism, traumatic brain injury, other health impairment, specific learning disability, deaf-blindness, or multiple disabilities.

This policy extends to students who are:

- advancing from grade to grade;
- enrolled in a private school;
- highly mobile; and
- are home-schooled.

To meet the requirement of an effective and practical system for identifying and assuring that all children within the local school district are receiving special education and related services are accurately accounted for, the School shall publish a Child Find Notice on its website.

[Adoption date: August 6, 2015]

[Reviewed and readopted: April 1, 2019]

Ref: OAC 3301-51-03

File: JRR

### **STUDENT ENGAGEMENT HOURS.**

The Findlay Digital Academy Board supports and approves Findlay Digital Academy's effort of providing students with a flexible approach in their learning to assist them in finding success. The flexibility of asynchronous online course offerings empowers students to take advantage of being able to access learning opportunities not available in a traditional school setting. In addition to the online learning opportunities, the Findlay Digital Academy Board supports the school's use of non-classroom, non-computer and computer based learning activities. These learning opportunities provide and empowers the student the flexibility in their learning that can lead them to success. This policy grants the Director of the Findlay Digital Academy the discretion of counting all academic and online hours logged by a student during the calendar year toward the required hours necessary to establish a student's full time equivalence status (FTE). This includes any time the student has access to their online coursework in a given day (24 hours), weekends, holidays and school breaks. In the case of non-classroom, non-computer base learning activities, a student is required to compile a "Non-Classroom, Non-Computer Based Log" which must include the students name or SSID, brief description of the learning

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opportunities, dates and times of actual learning opportunities, total of verified learning opportunities time and signature of verifying parent/guardian and or teacher.

[Adoption date: October 6, 2016]

[Revision date: December 1, 2016]

REF: ORC 3314.08

File: JSS

## SEALED RECORDS

The School shall comply with any court order regarding the sealing of a current or former student's records under R.C. 2151.357; provided, however, that the School shall retain records as permitted under R.C. 2151.357 for any student who has been permanently excluded under Sections 3301.121 and 3313.62 of the Revised Code, where those records are regarding an adjudication that the student is a delinquent child that was used as the basis for the student's permanent expulsions. Except as permitted by Sections 3301.121, 3313.662, or 2151.358 of the Revised Code, no officer or employee of the School shall release, disseminate, or otherwise make available records of a student which have been sealed pursuant to R.C. 2151.357 for any purpose involving employment, bonding, licensing, or education to any person or to any department, agency, or other instrumentality of the state or of any of its political subdivisions any information or other data concerning any arrest, taking into custody, complaint, indictment, information, trial, hearing, adjudication, or correctional supervision.

[Adoption date: October 6, 2016]

[Revision date: December 1, 2016]

File: JTT

### **Relations with Law Enforcement Agencies**

“Law enforcement agencies” is defined to include police departments, parole Governing Authority’s, Children’s Services, the Court, and any other agency or organization that promotes the public welfare. The phrase “law enforcement officer” means any individual employed by or otherwise representing the law enforcement agency, regardless of position or title.

The Governing Authority recognizes that mutual cooperation between law enforcement agencies and the School is necessary to the extent that it promotes efficiency, maintains a safe School, and provides for orderly responses to emergency situations. Accordingly, the Governing Authority hereby adopts this Policy to help foster a cooperative relationship with law enforcement agencies.

#### Law Enforcement Protocol

Whenever a law enforcement officer visits the School in his/her official capacity, the following

requirements must be complied with:

- ☐ the law enforcement officer shall check-in at the School office immediately upon arrival at the School;
- ☐ upon checking-in, the law enforcement officer shall provide proof of identification and shall indicate the law enforcement agency he or she is affiliated; and
- ☐ upon checking-in, the law enforcement officer shall state the purpose for the School visit.

#### On-Site Student Questioning

Whenever a law enforcement officer intends to question a student on School property and during school hours, the student's parent or guardian must be contacted by the School and asked: (1) whether the parent or guardian consents to the questioning of their child by the law enforcement officer; and (2) if so, whether the parent or guardian would like to exercise his/her right to be present during the questioning.

If the parent or guardian consents to the questioning and desires to be present during the questioning, the student may be called to the School office as soon as the parent or guardian arrives at the School. Throughout the questioning, the Head Administrator shall be present in the room to represent the interests of the School, to assist in the questioning, and, if advisable, to assist the parents and/or the student.

If the parent consents to the questioning and waives the right to be present during the questioning, the student may be called to the School office immediately and questioned. During the questioning, the Head Administrator shall be present to represent the interests of the School, to assist in the questioning, and to assist the student to the extent possible. The student may also request that another School employee attend the questioning.

If the parent does not consent to the questioning, the student shall not be called to the School office or questioned.

If a student is being questioned as a potential victim, and the law enforcement officer, in his or her professional opinion, deems it undesirable to contact the parents before questioning the student, then the School shall not contact the parent or guardian. Instead, the student shall be called to the School office and questioned by the law enforcement officer. The Head Administrator shall be present during the questioning.

Findlay Digital Academy  
Off-Site Student Questioning

If a law enforcement officer requests to take a student off-site for questioning and the questioning is not pursuant to an arrest, the School shall not release the student unless the student's parent or legal guardian is contacted by the Head Administrator and grants consent. If the parent or legal guardian cannot be contacted, or is unwilling to grant consent, then the School shall not release the student to the law enforcement officer.

If, however, the law enforcement officer arrests the student, then the School shall release the student to the law enforcement officer, regardless of whether the parent or legal guardian has been contacted or grants such consent.

Student Rights

A student's legal rights and liberties, whether provided by federal or state law, shall be respected and observed at all times by law enforcement officers and School officials.

Contract for Sheriff Services

A county sheriff is permitted to enter into a contract with the School, to perform any police function, exercise of any police power, or render any police service on behalf of the School.

*Cross Reference:* Policy 2610, Building and Grounds Security; Policy 2620, School Safety Plan; Policy 2630 Crisis Management and Response Plan; Policy 2640 Emergency Evacuation Drills; Policy 2650 Weapons.

Adoption Date: February 2, 2017

File: JUU

## PEDICULOSIS

(Head Lice)

Parents of children with head lice will be notified by the school principal/designee of active infestation. If live bugs are present the student will be sent home if the student is present in the lab that day. The student will be excluded from lab but can work on school work from home until treatment with a medicated solution is administered and improvement of nit removal is made. Lice information letter will be sent home with student. The student will be permitted to return to the lab after treatment, noticeable progress has been made on nit removal as determined by principal/designee and treatment form is completed and signed by parent. The student must be accompanied to school with a parent to meet with the school staff member trained in the procedure to be rechecked. If live bugs or no progress has been made in nit removal the student will be excluded from the lab but can continue to work on school work from home. If student is



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found to be free of live lice and noticeable improvement has been made on nit removal the student will be readmitted to the lab for tutoring.

In the situation that a parent is not able to pick student up from the lab or is unreachable by phone a lice information letter will be sent home and the student will be sent home. If the student returns to school with live bugs and no improvement with nit removal the student will not be permitted to return to the lab for tutoring. Parent will be notified to pick student up from the lab.

Any time the student is not working on his/her school work will be considered unexcused. No school time needs to be missed due to head lice as Findlay Digital Academy is an e-school and the student's curriculum is available 24/7.

Classroom checks are not warranted unless deemed necessary by the building principal. Due to confidentiality no lice letters will be sent home in the students in the lab when a student is sent home. Every effort will be made to not isolate or ostracize the student affected.

This Procedure is based on changes recommended from the American Academy of Pediatrics, Centers for Disease Control, National Association of School Nurses and Ohio Department of Health. The following are websites with the position statements of the above organizations:

<http://www.odh.ohio.gov/pdf/idcm/pedicpol.PDF>

<http://aappolicy.aappublications.org/cgi/content/full/pediatrics;126/2/392>

<http://www.nasn.org/Default.aspx?tabid=237>

<http://www.cdc.gov/parasites/lice/head/schools.html>

[Adoption date: April 3, 2017]

JUU Form 1

### Head Lice Information

Your child was examined today and found to have head lice. This is an easily treated condition that is not associated with any serious medical complications. This letter will acquaint you with the nature of this infestation and what you can do to help get rid of it.

#### What is head lice?

*Head lice are transmitted through close personal contact with an infested individual.*

Occasionally, transmission occurs by sharing combs, brushes and other grooming aids; through sharing coats, scarves, hats, caps, wigs, etc.; or through commingling of these items at home, the homes of friends, school, church or other public places. Most people have the impression that only unclean persons become infested with head lice. **This is not true!** Frequent bathing will neither prevent head lice nor eliminate the infestation once it has become established.

### **What does head lice look like?**

Head lice are small, elongate insects about this (--) long (maximum) and are yellowish white to greyish white with dark margins. **LICE DO NOT JUMP OR FLY, NOR DO THEY STAY ALIVE FOR LONG PERIODS OFF THE HUMAN HEAD.** They can move very quickly once on the head and are difficult to find.

### **Where is head lice found?**

Because head lice are good at hiding in the hair, an infestation is usually diagnosed by finding the nits (louse eggs). Nits are teardrop-shaped, about the size of a typewritten comma, and vary in color from yellowish-brown to white. Head lice attach each nit to a hair shaft at the scalp with a waterproof, cement-like substance. Thus, nits cannot be washed or brushed out of the hair like dandruff or other debris resembling nits. Nits are most commonly found on hairs at the nape of the neck and behind the ears, where they are protected from extreme light and temperatures. However, clusters of nits can be found in any area of the hair, requiring examination of the entire head.

### **How do I get rid of head lice?**

It is necessary to inspect and treat the infested individual and his/her contacts, including family members who are also infested. Personal articles that any infested person has worn or used within the previous 48 hours should be disinfested. The following treatment procedures should be carried out before your child returns to school:

- 1) Obtain head louse shampoo from your pharmacy. Several medications are available without a prescription: A-200 Pyrinate, RID, NIX, etc. Kwell requires a physician's prescription.
- 2) Apply the shampoo according the manufacturer's directions: **DO NOT OVER TREAT!!** Do not allow children to apply the shampoo to themselves. Be sure that the product gets to the scalp and remains there the recommended length of time.
- 3) Have your child put on clean clothing after treatment.
- 4) Manually remove all nits from your child's hair. Do not rely solely on the nit combs supplied with the products. Using finger tips and fingernails is the most efficient method of nit removal. Nits may be disposed of by dipping the fingers with the nits into a small jar of rubbing alcohol or warm soapy water. This is time consuming but is extremely important as your child may not be allowed to attend school until he/she is nit free. Wash your hands thoroughly after completing nit removal.

Board of Education Procedure 9.05a3 Findlay City Schools

5) Repeat treatment with the shampoo after 7-10 days.

Since heat kills lice and their eggs, many personal articles can be disinfested by machine-washing in **HOT** water and/or drying on the **HOT** cycle for at least 20 minutes. Both nits and adults are killed in 10-20 minutes at 125oF. Home hot water heaters keep water at or above this temperature when the heat selector is set on medium or higher.

Articles of clothing and bedding that cannot be washed or dried should be dry cleaned or placed in tightly sealed plastic bags for 14 days. Combs, brushes, and similar items can be disinfested by soaking them in a pan of 150oF water for 5-10 minutes.

Carpets, furniture, etc., do not require special treatment, as lice live only about 24 hours off the head. Normal vacuuming is sufficient treatment of these items. **APPLICATION OF PESTICIDES OR FUMIGATION IS NOT NECESSARY!** Animals other than humans do not carry these lice; there is no need to treat family pets.

### **Who should I contact?**

Babysitters and parents of your child's closest friends must be notified that they and their children might also be infested. This is particularly important if the children have slept together or participated in activities involving frequent body contact, such as athletics, dance classes, etc. If the friend becomes infested while playing with your child and is not treated, your child might become re-infested from the friend. This also applies to all family members. **TREATMENT DOES NOT PREVENT REINFESTATION.**

### **When can my child return to school?**

Your child is expected to return to school the day following treatment. The school nurse or trained school employee will examine your child's hair and scalp at that time. Your child will be readmitted to school if no live lice are found, a noticeable improvement has been made on nit removal and the treatment form is completed and signed (found at the bottom of this form)

If you have any questions or concerns please contact the Findlay Digital Academy principal.

Return the form below to Findlay Digital Academy when you child has been treated and is free of Head Lice.

-----

### **HEAD LICE TREATMENT FORM**

DATE: \_\_\_\_\_

This is to notify you that \_\_\_\_\_ (child)  
has

Findlay Digital Academy

been treated

\_\_\_\_\_ (what

was done) on \_\_\_\_\_ (date) and I have begun to remove

nits and to do the necessary treatment of the home environment.

\_\_\_\_\_ Signature of Parent

[Adoption date: April 3, 2017]

JUU Form 2

### **Head Lice Treatment Checklist**

## Findlay Digital Academy

Student treated with appropriate lice treatment according to package instructions Family members checked and treated with appropriate lice treatment

Removal of nits by combing or manually removing with fingertips  
Brushes, combs, barrettes and headbands washed with hot water.

Clothes, coats and hats washed in hot water if possible and dried

Sheets, blankets, pillowcases, quilts and sleeping bags washed in hot water and dried

Vacuum sweeper used on all rugs

Vacuum sweeper used on all upholstered furniture

Vacuum sweeper used on all car seats and child booster/safety seats

Vacuum sweeper used on mattress, box springs and pillows

Stuffed animals, plush toys and throw pillows tightly sealed in plastic bags for 10 days

Book bags, hats or any items that cannot be washed and dried, placed in tightly sealed plastic bags for 10 days.

Notify parents of friends or family members who have had possible close head-to-head contact with your child (example: sleepovers)

Check your child's head and all other family members head daily for 10-14 days for possible re-infestation, comb or manually remove nits

Repeat appropriate lice treatment according package instructions

If live lice are found after day one repeat washing of coats, hats, hair barrettes and like items and bedding in hot water (if possible) and dry

[Adoption date: April 3, 2017]

## **PHYSICAL EXAMINATIONS**

The District requires student immunizations and/or physical examinations on the following basis:

1. Kindergarten children or students entering school for the first time must have completed immunization records, before being admitted to school.
2. Health records are requested of all students transferring into the district schools. If the previous school does not forward a record or if it is incomplete, it will be the parents' responsibility to comply with immunization requirements for students.
3. Special education students are required to have a physical examination, as specified by State Department of Education guidelines.
4. Students must have a physical examination prior to their trying out for or participation in inter-scholastic athletic programs. Cost of this physical examination will be borne by the parent/guardian of the student.

O.R.C. 3313.673

[Adoption date: April 3, 2017]

### **Communicable Diseases**

The School is committed to providing a safe, healthy, educational environment for all students, and the uncontrolled spread of communicable diseases can make it difficult to achieve this goal. Accordingly, the Governing Authority hereby adopts the following Policy for the purpose of preventing, controlling, and containing communicable diseases in the School.

A “communicable disease” is defined as any infections or contagious disease which is transmitted directly or indirectly to a person from an infected person or animal, or any other disease designated as such by federal or state health laws and regulations.

The School shall adhere with all duties and responsibilities imposed by federal and state laws and regulations relating to communicable diseases (e.g. prevention strategies, reporting requirements, etc.). The responsibilities imposed under this Policy serve to supplement, not to replace, the existing statutory and regulatory obligations.

Staff members shall receive general instruction regarding the prevention of disease and shall be provided sufficient training to enable the Staff member to recognize and identify the symptoms of a communicable disease

Under Ohio law, whenever a student, teacher, or other school employee is found to be ill or suffering from tuberculosis in a communicable stage or other communicable disease, the School physician/designee shall promptly send such student, teacher, or other school employee home, with a statement, in the case of a student, to the student’s parents or guardian, briefly setting forth the discovered facts, and advising that the family physician be consulted. School physicians shall keep accurate card-index records of all examinations and records. If the parent or guardian of any student or any teacher or other school employee, after notice from the Governing Authority furnishes within two (2) weeks thereafter the written certificate of any reputable physician that the student, teacher, or other school employee has been examined, in such cases the service of the school physician shall be dispensed with, and such certificate shall be furnished by such parent or guardian, as required by the Board of Education.

The results of any and all medical examinations, as well as any written certificate sent home with

Findlay Digital Academy

an ill individual as indicated above, shall not be open to the public. The information shall be maintained in a separate, confidential file, and shall be made available for examination by Department of Public Health personnel and the Head Administrator.

*Ohio:* R.C. 3313.71.

[Adoption date: April 3, 2017]



### Direct-Contact Communicable Diseases

The School is committed to providing a safe, healthy, educational environment for all students, and recognizes that direct-contact communicable diseases although serious, are often misunderstood.

A “direct-contact communicable disease” is defined as one which only spread through direct contact with bodily fluids and excretions such as blood, vomit, feces, and urine. This definition includes: human immunodeficiency virus (HIV); acquired immune deficiency syndrome (AIDS); AIDS-related complex (ARC); Hepatitis A (HAV); Hepatitis B (HBV); Hepatitis C (HCV); and any other disease or illness defined as such by the Ohio Health Department.

Policy JWW, Communicable Diseases, provides general guidelines for controlling the spread of communicable diseases among students and Staff. Direct-contact communicable diseases, however, are not spread through air-borne pathogens, but rather are only spread through direct contact with contaminated bodily fluids.

Individuals who have contracted a direct-contact communicable disease may experience no symptoms, and, in fact, may even be unaware that they have the disease. Nonetheless, the disease can still be transmitted from person to person through direct contact with bodily fluids. A large body of research has demonstrated that Direct-Contact Communicable diseases are not transmitted in casual contact settings, such as a school.

The Governing Authority hereby adopts the following rules and guidelines regarding direct-contact communicable diseases, and authorizes the Head Administrator to develop and implement any necessary respective administrative policies:

The School shall implement programs to students which will enable understanding of the manner in which these diseases can be prevented and how they are transmitted. This education will occur in the Health class that every student is required to take.

## Findlay Digital Academy

Students who have been diagnosed with a direct-contact communicable disease shall be assured that their medical diagnosis and status is confidential. A student's confidentiality and civil rights shall be protected in accordance with applicable federal and state law.

If a student cannot attend School because of the disease or illness, the School shall offer alternative accommodations in accordance with federal and state law and these Policies.

If a Staff member is determined to be in a position in which he/she is at a high risk for exposure to direct-contact communicable diseases on a regular basis, legal counsel shall be consulted to assist in developing appropriate procedures.

The School will strive to maintain a respectful climate and prohibits any physical or verbal harassment of any individual with a direct-contact communicable disease.

[Adoption date: April 3, 2017]

File: JYY

### Religion and Prayer

The First Amendment protects against the establishment of religion. No instructional activities shall advance or inhibit any particular religion or religion generally. Additionally, no devotional exercises or displays of a religious character will be permitted in the School in the conduct of any program or activity under the jurisdiction of the School or the Governing Authority.

The School recognizes that religion and religious themes are common throughout education. An education without referring to these themes would be incomplete and detrimental to living in a pluralistic society. The materials and curriculum approved by the School may contain religious references or themes, and teacher may discuss these religious references and themes as appropriate. Such materials, teaching, and discussion are appropriate provided they pertain to the subject matter and are neutral, unbiased, do not promote or inhibit religion, and do not imply that religious doctrines have the support of School authority.

The First Amendment protects the exercise of religion. Accordingly, no student shall be prohibited from exercising a voluntary expression of the student's religious beliefs through prayer or silent meditation. Students, however, are not exempt from attending a required course because the course or instruction interferes with the student's free exercise of religion. No policy of the School prevents, or otherwise denies participation in, constitutionally protected prayer in the School.

[Adoption date: April 3, 2017]

Federal: 1<sup>st</sup> Amendment to the U.S. Constitution, 20 USC 7904(b)

File: JZZ

### Policy on Gang Activity & Other Prohibited Groups

The School seeks to create and maintain a safe learning environment. This environment is threatened and interfered with by the presence of gangs, gang activity and other prohibited groups.

School administrators will monitor the School environment, and students violating this policy will be subject to appropriate disciplinary action, which may include suspension and/or expulsion.

#### Gang and Gang Activity

The School will not tolerate gangs. The School prohibits gangs or gang activities while at the School, in school buildings, school buses, or school-sponsored events.

A 'gang' is defined as any identifiable group, organization, or association of three or more persons that exists without the School's authorization, that engages in gang activity; and anti-social behavior, criminal behavior, or other activities that disrupts the School environment, and possesses an identifiable name, sign or symbol.

A 'gang activity' is defined to occur when a person commits, attempts to commit, conspires, has been complicit in commission of, or solicited; coerced; or intimidated another into an offense of violence, a felony, or other criminal conduct prohibited under ORC 2923.41.

The School further prohibits the use of symbols, hand signal, graffiti, apparel or manner of grooming which indicates or implies membership or affiliation with a gang or gang activity.

The School prohibits fraternities, sororities, and secret societies as described by law.

[Adoption date: April 3, 2017]

ORC 2923.41

File: JAAA

**TUITION  
ENROLLMENT OF CHILDREN OF NON-RESIDENT PARENTS**

This Tuition policy applies to students who do not live in the eligible Districts for enrollment as spelled out in the Sponsor Contract and approved by the Governing Board and the Governing Authority. It also applies to students who are required to pay tuition due to the student not meeting the testing requirements spelled out by the State of Ohio in the Ohio Revised Code.

**I. Determination of Status**

A. It shall be the responsibility of the school principal to refer all students with non-resident parents or where there is any question of residency to the Superintendent or his designee for a decision as to his/her status, before enrolling the student.

**II. Eligibility for Enrollment**

1. A student who has one parent residing in the Eligible Districts and one parent residing in another school district may be enrolled in this Eligible Districts so long as he/she resides with the parent residing in an Eligible District.
2. In the event a student under the age of eighteen (18) is residing in an Eligible District, whose parents reside outside of the Eligible Districts, wants to be accepted as a student in

## Findlay Digital Academy

Findlay Digital Academy, then they must present an actual court order placing the custody of said child in guardianship with a bona fide resident in one of the Eligible Districts. While petitioning the court for legal custody the student may be enrolled in school up to 60 days. The 60 day custody form (attached) must be completed. If custody is not awarded in 60 days, the signee is responsible for tuition from the date of enrollment.

3. Students in grades kindergarten through 12, whose parents are non-residents of the Eligible Districts will be admitted only after it has been determined that facilities are available, the pupil is acceptable, his/her enrollment authorized and approved by the Superintendent, and the following condition or conditions which are applicable are complied with by the responsible party:
  1. The parents have entered into an agreement to pay tuition at the prevailing rate and paid same at least one (1) month in advance. (ORC Section 3327.06 - 3313.64)
  2. A contract has been entered into between the board of education of the District of residence and the Findlay Digital Academy Board providing for the payment of tuition or excess costs by the District of residence. (ORC Section 3327.04)
  3. The child has been placed in a “boarding home” in an Eligible District by Children Services of Hancock County or by a court having jurisdiction over such child. (In either case, the eligible Districts of residence at the time of placement is responsible under the law for the payment of tuition.) (ORC Section 3313.65 and O.A.G. - 1956, No. 6669)
  4. Affidavits, approved by the Superintendent, have been filed with the Treasurer in lieu of the payment of tuition, establishing:
    - a. That the child is living in the Eligible Districts and supporting himself by his own labor (ORC Section 3313.64) or
    - b. Student is eighteen (18) years of age and has an established residence in an Eligible District.

### III. Payment of Tuition

1. Tuition payments shall be made to the Treasurer.
2. Payment shall be made at least one (1) month in advance.
3. Tuition shall be charged at the rate determined by the State Department of Education.

### IV. Moving Out of Eligible Districts During School Year

A. Generally, in the event a family moves out of the Eligible Districts, the student shall transfer to the new school District of his parents’ residency. In special situations, which are to be determined at the sole discretion of the Superintendent or his designee, a student may be allowed to complete the balance of the school year in Findlay Digital Academy, tuition shall be charged, effective with the beginning of the next succeeding month.

V. Suspension for Non-Payment of Tuition

A. On or before the 10th of each month, the Treasurer will report the names of all students for whom tuition is due and unpaid to the Superintendent, who shall suspend the student(s) from school forthwith. In the event the tuition is not brought current prior to the expiration of the suspension, said student will be expelled.

VI. Report to the Treasurer (ORC Section 3321.12)

The principal of each school shall report to the Treasurer the names, ages, and places of residence of all students whose parents do not reside within an Eligible District, together with any other facts as the Treasurer requires to facilitate the carrying out of the laws. Such report shall be made each school year and shall be corrected by weekly report changes.

[Adoption date: April 3, 2017]

JAAA Form

Legal Custody

I, \_\_\_\_\_ (Intended guardian) do hereby affirm that I am in the

process of obtaining legal custody of \_\_\_\_\_ (Student's name). I

understand that if this custody is not awarded in sixty calendar (60) days I will be

responsible for the daily tuition rate from the first date of enrollment on

\_\_\_\_\_ (date).

## Findlay Digital Academy

Tuition rate will be determined annually based on the state foundation money given to Findlay Digital Academy. The annual per pupil student payment by the State of Ohio will be divided by 180 school days and the parent/guardian will pay the daily rate based on the number of days that his/her child is enrolled in Findlay Digital Academy. The rate will be filled in the spaces below at the time this form is filled out by the parent/guardian.

Tuition Rate:

School Year \_\_\_\_\_ Daily Rate \_\_\_\_\_

Reason for  
enrollment \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

This form is subject to approval by the Superintendent. Enrollment may be rescinded unless this form and supporting documentation are authorized by the Superintendent.

Signed: \_\_\_\_\_

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

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Witness: \_\_\_\_\_

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

Superintendent: \_\_\_\_\_

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

[Adoption date: April 3, 2017]

File: JB

## BED BUGS

Bed bugs are small, brownish, flattened insects that feed on the blood of people while they sleep. Although the bite does not hurt at the time, it may develop into an itchy welt similar to mosquito bite. While bed bugs do not transmit disease, they cause sleeplessness, itchiness and anxiety. Bed bug infestations are very difficult and expensive to control and they are easily transmittable.

If Findlay Digital Academy notice evidence on your child of bed bug bites or a bed bug on a student, the parent of that student will be notified.

The Bed Bugs: School Response Flowchart will be followed if there is reason to believe that the school has been exposed to bed bugs in any way. See Procedure JB.



Findlay Digital Academy

[Adoption date: April 3, 2017]

Form: JBBB

Dear Parents(s) or Guardian:

Today, we found:

Governing Authority Board Policy

## Findlay Digital Academy

\_\_\_\_\_ a bed bug on your child

\_\_\_\_\_ a bed bug on your child's belongings

\_\_\_\_\_ possible bed bug bites on your child

\_\_\_\_\_ a bed bug at Findlay Digital Academy lab

Bed bugs are a nuisance, but their bites are not known to spread disease. Bed bugs are usually active at night and feed on human blood. The bite does not hurt at first, but it may become swollen and itchy, much like a mosquito bite. Watch for clusters of bites, usually in a line, on areas of the body not covered by pajamas. If you have concerns for you or your child please contact your doctor.

It is often difficult to determine where bed bugs come from. They are found in many places including hotels, planes and movie theaters. Even though it is unlikely for bed bugs to be spread in schools, Findlay City Schools will conduct an inspection and will properly treat the area if needed. Please be aware that if bed bugs are found on your child or their belongings their items will be discreetly placed in a sealed plastic bag or a lidded tote. This is done to contain the bed bugs and prevent the spread to other areas of the school.

Bed bugs can be found anywhere in your home. They can live in any gap or space that a credit card can fit in. They will primarily be found in a bedroom or anywhere people sleep. Evidence of bed bugs can be seen on your mattress or sleeping surface, this includes: bed bug excrement, dried blood, nymph (bed bug eggs) casings and live bed bugs. If you are concerned that you have a problem with bed bugs in your home please refer to the Central Ohio Bed Bug Task Force's web site at: [www.centralohiobedbugs.org](http://www.centralohiobedbugs.org). If you have questions regarding bed bugs in your child's school, please contact your principal or the building nurse.

Sincerely,

Principal

[Adoption date: April 3, 2017]

File: JCCC

### **Student Discipline Code of Conduct**

We at Findlay Digital Academy/Findlay High School encourage positive choices among our students because these create an atmosphere of good conduct necessary for effective learning. Our responsibility is to the vast majority of students who are here to learn. Rarely do students at FDA/FHS make poor choices; however, when they do, it is necessary for the students to be properly warned of the consequences of those decisions. It our duty and obligation to ensure an educational environment where positive learning experiences can take place. The discipline code is listed to serve this purpose. **The following rules of conduct apply whenever a student is on school property, at any school-sponsored activity, or otherwise subject to the authority of school officials. These rules also apply off school property if the misconduct is connected to activities or incidents that have occurred on property owned or controlled by the district. These rules also apply off school property, if the misconduct is directed at a district official or employee or the property of a district official or employee.** Violation on the part of a student of any one or more of the following rules of conduct or assisting, aiding and/or abetting a student who is violating the rules of conduct while on school property or while under the jurisdiction of the school may result in disciplinary action, including Suspension, Emergency Removal, and/or Expulsion, or other alternatives deemed appropriate by the administration including referral to the appropriate authority for prosecution. The FDA Executive Director or Coordinator, or Findlay City Schools Superintendent, or Findlay High School principal or assistant principal may suspend a student from school. A student may have his/her Driver's License suspended if he/she is suspended or expelled for the use or possession of alcohol or drugs or for being excessively truant. Compliance with this code is mandatory.

1. **Disruption of School** - A student shall not, by use of violence, force, coercion, threat, harassment, insubordination, or repeated lack of cooperation, cause disruption or

obstruction to the educational process, including all curricular, co-curricular, athletic and extra-curricular activities.

2. **Damage to School Property** - A student shall not cause, incite, or attempt to cause damage to school property, including buildings, grounds, equipment, or materials.
3. **Damage to Private Property** - A student shall not cause, incite, or attempt to cause damage to private property (including school personnel's private property on or off school premises or at any school activity).
4. **Threatening, Bullying or Hazing** –A student shall not threaten, bully, haze or participate in dating violence or sexting with students or other persons. Cyber-bullying-Abusive behavior includes but is not limited to, taunting, threatening, stalking, intimidating, and/or coercing by one or more individuals against other students or staff, perpetrated with computers, cellular phones, internet websites, and/or any other electronic device. Dating violence or relationship abuse is a pattern of behavior where a person uses or threatens, physical, sexual, verbal, or emotional abuse to control the person's dating partner. Sexting is defined as possessing, taking, disseminating, transferring or sharing of nude, obscene, pornographic, lewd or otherwise illegal images or photographs, whether by electronic data transfers or otherwise, may constitute a crime under state and/or federal law and may be reported to the appropriate law enforcement agencies. Hazing means doing any act or coercing another, including the victim, to do any act of intimidation or harassment to any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person. Bullying is an intentional written, verbal, or physical act that a student has exhibited toward another particular student more than once and the behavior causes both mental or physical harm to the other student and is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive environment for the other students.
5. **Fighting/Physical Altercation** - A student shall not cause physical injury, or behave in such a manner which could threaten to cause physical injury, to school staff, other students, or other persons, while under the jurisdiction of the school. Students who urge the misconduct of others (including fighting) may be disciplined as though they were a violator of the no-fighting policy.
  - On the first offense a student involved in an assault or fight may be out of school suspended ten (10) days and/or recommended for expulsion.
6. **Dangerous Activities, Weapons and Instruments** - A student shall not engage in any activity which threatens, endangers or tends to threaten or endanger the health or safety of students, teachers or other school personnel. A student shall not possess, handle, transmit or conceal any object, which might be considered a weapon or instrument of violence. A look alike weapon will be treated as a real weapon.
  - Examples of such instruments include, but are not limited to the following: lighters, guns, knives, smoke bombs, martial arts instruments, fireworks, explosives, bullets, and/or gun powder.

- This policy applies to bringing any of the above on school property, in a school vehicle, or to an interscholastic competition, extracurricular event, or any other program or activity sponsored by the District.
7. **Tobacco** - A student shall not smoke, use tobacco or e-cigarettes, transmit, or possess any substance containing tobacco, any alternative nicotine product or device, including electronic, vapor or other substitute forms of cigarettes in any area under the control of the school district or at any activity supervised by the school district.
- Students serving as a “lookout” or aiding and abetting smokers will be disciplined as though they were violators of the no-smoking policy.
  - No smoking is allowed within the ‘line of sight’ of the building. If you can be seen smoking it is considered to be on school property.
8. **Narcotics, Alcoholic Beverages, Caffeine Pills, Stimulant Drugs, and Other Pills** - A student shall not possess, sell, attempt to sell, transmit, attempt to transmit, purchase, attempt to purchase, conceal or be under the influence of any steroid, narcotic drug or other controlled substance, hallucinogenic drug, amphetamine, caffeine pill, barbiturate, marijuana, hemp and hemp products, as defined in R.C.928.01, alcoholic beverage or beverage promoted as an alcohol substitute, inhalant, drug paraphernalia, other pills/substances, or any other mind-altering substance within any school building, on school property, during open lunch or while participating in or attending school or school-sponsored activities. This includes the sale and/or distribution of prescription drugs and over the counter medications. A student shall not use, possess, distribute, attempt to distribute, sell, purchase, attempt to purchase, or package any counterfeit or look-alike drug. Empty alcohol containers are also prohibited on school property. A counterfeit controlled substance is defined as:
- Any drug that bears, or whose container or label bears, a trademark, trade name, or identifying mark without authorization of the owner.
  - Any substance that is represented as a controlled substance.
  - Any substance other than controlled substance that a reasonable person would believe to be a controlled substance.
- Evidence of use or being under the influence of alcohol or drugs at school or a school-related event is a violation of this Code of Conduct.
9. **Theft** - A student shall not take or attempt to take into possession the property or equipment of the school district or the property of another student, teacher, visitor, or employee of the school district.
10. **Frightening, Degrading, or Disgraceful Acts** - A student shall not engage in any act which frightens, degrades or tends to frighten, degrade, or disgrace teachers, students or other persons by written, verbal, or gestural means.
11. **Insubordination** - A student shall not disregard or refuse to obey reasonable directions given by school personnel.

12. **Dress, Appearance** - A student shall not dress in a manner that will present health or safety problems or cause disruption of school. Examples of inappropriate dress include, but are not limited to:
- Clothing or accessories that display or allude to inappropriate language or graphics representing drug, alcohol, tobacco, sex or gang identifiers. (If you are not permitted to say it, do it, or bring it to school, you are not permitted to advertise it or display it on your person, clothing, accessories, or materials/possessions).
  - Hats/Head Apparel or coats during the school day. Hats/head apparel/hoodies must be off. The head and face must be visible at all times.
  - Spiked bracelets or necklaces or long linked chains as decorative apparel.
  - Brief and revealing clothing is not permitted. All shirts/tops must touch the pants/skirt while standing with arms down. Undergarments must be completely covered. Shorts/skirts length must be at least to mid-thigh (fingertip length when arms are hanging to the side of the body). The upper torso must be covered, except for the arms and neck. Tube tops, tanks tops, and shirts with spaghetti straps, halter tops, mesh shirts (unless a t-shirt is worn underneath) or shirts that expose the midriff are not permitted.
  - Book bags, briefcases, duffel bags, or other similar items are not to be taken to classrooms or carried in the hallways other than when entering or leaving the building.
  - Any other apparel deemed as inappropriate by the administration.
13. **Truancy/Excessive Absence/Tardiness** - The adopted Board Policy applies.
14. **Sexual Harassment**-A student shall not display unwelcome sexual advances, request sexual favors, and/or present other verbal or physical conduct of a sexual nature.
15. **Violations of Directions, Policies, Rules, Etc.**- A student shall comply with directions, policies, rules, etc. of a teacher, student teacher, substitute teacher, teacher's aide, principal, or other authorized school personnel, during any period of time when the student is under the authority of any such school personnel.
16. **Altered or Forged Documents or Passes** - A student shall not alter, forge, or use a fraudulent document.
17. **Public Display of Affection/Unauthorized Touching** - A student shall not commit an inappropriate display of affection and bodily contact beyond hand holding while on the school premises, or while in the custody of the school, or in the course of a school-related activity. A student shall not engage in unauthorized touching such as but not limited to pushing, shoving, hands on, threats to put hands on, or any other types of touching that could be considered as sexual in nature.
18. **Profanity/Obscene Language/Swearing**-Profanity/obscene language will not be tolerated on school property. While your freedom of expression may be appealing to some, others may resent your lack of knowledge of the English language. No material

may be printed, distributed, or circulated if it contains obscene or defamatory material and/or would tend to disrupt the educational process and interfere with the rights of others to express or receive ideas or opinions.

19. **Extortion**-A student shall not compel or attempt to compel any student, school employee or other person to give up anything of value by means of threat, harassment, intimidation, or injury to person, property, or reputation.
20. **Ethnic Slur and/or Intimidation**-The Findlay Digital Academy/Findlay High School Administration recognizes that, in order to create an environment conducive to learning and to best facilitate the learning process, all students, regardless of their race, color, ancestry, national origin, religion, or gender identity have the right to an education in an atmosphere free of all forms of slurs, disparagement and intimidation. The Administration further recognizes that certain acts against persons or groups because of a person's or group's race, color, ancestry, religion, or national origin, for the purpose of inciting and provoking bodily injury, intimidation, or harassment, poses a threat to the order and safety of our schools and has a negative effect on the learning environment in the schools. Ethnic intimidation is the harassment or intimidation of a person or group through the use of racial or religious slurs, profanity, denigrating racial or religious remarks, obscene gestures, and other conduct of this type. Other forms of ethnic intimidation might be fighting, vandalism, or threats and would be punishable under one or more sections of the Code of Conduct.
21. **Computer Technology and Network Guidelines**  
Students failing to follow the guidelines as stated in the handbook will lose the privilege to complete work in our labs, to access accounts, or to use the Internet. They also may subject themselves to additional disciplinary or legal action. Multiple violations could result in being banned from computer use for the remainder of the semester, school year, or a student's high school career. Any computer is subject to data search at any time for any reason. There is no right to privacy on a school computer at any time.
22. **Cheating** – A student shall not engage in academic misconduct, including cheating, unauthorized access or use of computers, copyright infringement, and plagiarism. Students in violation of this policy will receive a zero for the work in question in addition to other disciplinary consequences that may be imposed. If a student does the work for another student or has another individual do their course work, it will be considered cheating and will result in disciplinary action and possibly expulsion and no credit will be given for the course.
23. **Bomb Threats** – A student shall not make any bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat.
24. **Disrespectful Behavior** - A student shall not be disrespectful toward other students, school personnel, and school visitors.

25. **Failure to Serve Disciplinary Assignments** – A student shall not fail to serve disciplinary assignments.
26. **Gang Activity** – Definition: A “gang” is any group of two or more persons whose purposes include the commission of illegal acts and/or displays or communication of any visible aspects of a gang or acts in violation of disciplinary rules. In order to insure a safe and violence-free school, gangs and gang activities are prohibited at Findlay Digital Academy/Findlay High School according to the following:
- Wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign or other item that evidences or reflects membership in, affiliation with or suggests affiliation with, any gang.
  - Engage in any act, either verbal or nonverbal, including gestures or handshakes, demonstration of membership, or affiliation with, any gang.
  - Engage in any act that furthers the interests of any gang or gang activity, including, but not limited to:
    - Soliciting any person to pay for “protection” or threatening any person, explicitly or implicitly, with any other illegal or prohibited act.
    - Painting, writing, tattooing or otherwise inscribing gang-related graffiti, messages, symbols, or signs on school property or personal property brought to school.
    - Engaging in violence, extortion or any other illegal act or other violation of school policy.
    - Soliciting any person to engage in physical violence against any other person.
27. **False Reporting** – A student shall not make a false statement, a false accusation, or provide false information that in any way defames or damages the reputation of another student or staff member. A student shall not make a false report or issue false accusations that result in the reporting of an incident of child abuse to children’s services or law enforcement agencies. False reporting can also include, but are not limited to, attempts to change, modify, misrepresent records, absence excuses, documents or materials used in daily school operation; sharing false information (i.e. lying); or not properly identifying oneself to school personnel.
28. False Alarms- including fire and/or bomb threats
29. Arson or attempted arson, and related offenses.
30. Violation of Federal or State Statutes on school premises or involving school activities.
31. Damage, Destruction, defacement or vandalism of school property or private property on school premises.
32. Use of Profane, indecent, or obscene language written or verbal; directed toward school personnel or students. This shall include use of obscene gestures, pictures, or signs.



33. Gambling for money or valuables on school property
34. POSSESSION OF A FIREARM: Firearm has the same meaning as provided pursuant to the “Gun-Free Schools Act of 1994.” At the time this policy was adopted, the above-referenced statute defined a firearm as any weapon (including a starters gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; including the frame or receiver of any such weapon; and any firearm muffler or silencer; or any destructive device. A firearm does not include: an antique firearm; a rifle that the owner intends to use solely for sporting and recreational or cultural purposes; any device that is neither designed or redesigned for use as a weapon; any device, although originally designed as a weapon, redesigned as a signaling, pyrotechnic, line throwing, safety or like device, surplus ordnance, sold, loaned or given by the Secretary of the Army or Class C common fireworks. If the definition of a firearm as provided by the “Gun Free Schools Act of 1994” changes, then the definition set forth in this policy shall automatically change to conform to it.
35. Driving in an unsafe manner
36. Any other form of behavior which is detrimental to a proper school and/or school activity atmosphere as prescribed by the Administration and as outlined in the student/parent handbook for the building in which the student is enrolled.
37. Gang membership and/or gang activity. For purposes of this policy, a gang is an organization, association, or group of three (3) or more people, using a common name or one or more common identifying signs, symbols, or colors, whose members individually or collectively engage in criminal activity.

[Adoption date: April 3, 2017]

[Reviewed and Updated: December 5, 2019]

File: JDDD

### **Positive Behavior Intervention Supports, Restraint, Seclusion, and Prohibited Practices**

The School shall make every effort to prevent the need for the use of Restraint and/or Seclusion. Restraint and/or Seclusion shall not be used, except when there is an immediate risk of physical harm to the students or others, and shall only occur in a manner that complies with this policy and protects the safety of all children and adults at the School. Every use of Restraint and/or Seclusion shall be documented and reported.

#### **Positive Behavior Intervention and Supports**

To greatly reduce, or in most cases eliminate, the need to use Restraint and/or Seclusion, the School shall implement an evidence-based system of Positive Behavioral Intervention and Supports (PBIS System). The PBIS System shall encompass a wide range of systemic and individualized positive strategies to reinforce desired behaviors, diminish reoccurrences of challenging behaviors, and teach appropriate behaviors. The PBIS System applies to all students, staff and settings.

The PBIS System shall include:

Trained school staff to identify conditions such where, under what conditions, with whom and why specific inappropriate behavior may occur;

Preventative assessments, which should include: a review of existing data, interviews with parents; family members; and students, examination of previous, and existing behavioral intervention plans; o Using the above data, the School shall develop and implement preventative behavioral interventions and teach appropriate behavior.

A system that will support students' efforts to manage their own behavior, implement instructing techniques in how to self-manage behavior and decrease the development of new problem behaviors, decrease the development of new problem behaviors, prevent worsening of existing problem behavior, redesign learning/teaching environments to eliminate triggers and maintainers of problem behaviors; and

Family involvement.

### Restraint

The only type of restraint permitted is Physical Restraint, and any use of Physical Restraint must comply with this Policy.

Physical Restraint is defined as the use of physical contact that immobilizes or reduces the ability of a student to move his/her arms, legs, body, or head freely. Physical Restraint does not include—and this Policy does not apply to—brief, but necessary physical contact used to break up a fight, to knock a weapon away, to calm or comfort, to assist a student in completing a task where the student does not resist the contact, or to prevent an impulsive behavior threatening the student's behavior.

Physical Restraint may only be used:

when there is an immediate risk of physical harm to the student or others and no other safe and effective intervention is possible, but in no circumstances may not be used for punishment or discipline or as a substitute for other less restrictive means of assisting a student in regaining control;

in a manner that is age and developmentally appropriate;

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by Student Personnel who are trained in safe restraint techniques, except in the case of unavoidable emergency situations when trained personnel are not immediately available; and

by Student Personnel in accordance with Ohio law

*Procedure for using Physical Restraint.*

If Student Personnel use Physical Restraint, Student Personnel must:

- be appropriately-trained to protect the care, welfare, dignity, and safety of the student;
- continually observe the student in restraint for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
- use verbal strategies and research based de-escalation techniques in an effort to help the student regain control;
- remove the student from physical restraint immediately when the immediate risk of physical harm to self or others has dissipated;
- 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
- complete all required reports and document staff's observations of the student.

*Prohibited forms of restraint.*

The School prohibits the following forms of restraint under all circumstances, including emergency safety situations:

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

physical restraints that obstruct the airway of a student.

physical restraints that interfere with a student's primary mode of communication.

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any restraint that unduly risks serious harm or needless pain to the student. This includes intentionally, knowingly, or recklessly using any of the following techniques:

- o uses any method that is capable of causing loss of consciousness or harm to the neck or restricting respiration in any way;

- o pins down with knees to torso, head and/or neck; o includes using pressure points, pain compliance, and joint manipulation techniques;

- o drags or lifts of the student by the hair or ear; o uses other students or untrained staff to assist with the hold or restraint; or o secures a student to another student or to a fixed object.

restraint of preschool children in violation of paragraph (D) of rule 3301-37-10 of the Administrative code.

“Mechanical Restraint” or any method that restricts a student’s freedom of movement, physical activity, or normal use of the body, using an appliance or device manufactured for this purpose. This does not mean devices used for the specific and approved therapeutic or safety purpose for which such device were designed including: restraints for medical immobilization, adaptive devices or mechanical supports to allow for greater freedom of mobility, and vehicle safety restraints when used as intended during the transport of a student.

- “Chemical Restraint” or any drug or medication used to control a student’s behavior or restrict freedom of movement. This does not include drugs or medications prescribed by a qualified health professional for standard treatment of the student’s medical or psychiatric condition. This also does not include drugs or medications administered as prescribed the qualified health professional acting under the scope of Ohio law.

## Seclusion

Student Personnel may only use seclusion in accordance with this Policy.

Seclusion is defined as the involuntary isolation of a student in a room, enclosure or space from which the student is prohibited from leaving by physical restraint, closed door, or other physical barrier. Seclusion is a last resort, safety intervention that provides an opportunity for the student to regain self-control.

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Seclusion may be used only:

7. if a student's behavior poses an immediate risk of physical harm to the student or others and no other safe or effective intervention is available;
8. as a last resort to provide an opportunity for the student to regain control of his or her actions; and
9. in a room or area that is (1) not locked and (2) provides for adequate space, lighting, ventilation, clear visibility, and the student's safety.

Seclusion shall not be used:

4. for the convenience of staff;
5. as a substitute for an educational program;
6. as a form of discipline/punishment;
7. with preschool students in violation of Ohio Adm. Code Rule 3301.-37-10(D);
8. as a substitute for less restrictive alternatives, inadequate staff, staff training in positive behavior supports and crisis prevention or intervention; or
9. as a means to coerce, retaliate, or in a manner that endangers a student.

*Procedure for using Seclusion.* If Student Personnel use seclusion, Student Personnel must:

10. continually observe the student in seclusion for indications of physical or mental distress and seek immediate medical assistance if there is a concern;
11. use verbal strategies and research based de-escalation techniques in an effort to help the student regain control;
12. remove the student from seclusion when the immediate risk of physical harm to self or others has dissipated;
13. 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

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- complete all required reports and document staff's observations of the student.

## Additional Prohibited Practices

The School prohibits the following practices under any circumstances:

- *corporal punishment*;
- *child endangerment*, as defined in R.C. 2919.22;
- *deprivation of basic needs*; and
- *Aversive Behavioral Interventions*. Aversive Behavioral Intervention is defined as any interventions that are intended to induce pain or discomfort to a student for the purpose of eliminating or reducing maladaptive behaviors. This is defined to include applications of noxious, painful and/or intrusive stimuli, including any form of noxious, painful or intrusive spray, inhalants or tastes.

## Reporting Restraint and/or Seclusion

Each use of Restraint and/or Seclusion shall be documented in writing and reported immediately to the building administration and the parent(s).

Additionally, the use of Restraint and/or Seclusion shall be documented in a written report. A copy of the written report shall be made available to the parent or guardian within twenty-four (24) hours of the use of Restraint and/or Seclusion. The School shall maintain a copy of the report in the student's file. These reports are educational records subject to the Family Educational Right to Privacy Act (FERPA). Pursuant to FERPA, the School is prohibited from releasing any personally identifiable information to anyone other than the parent.

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

## Repeated Dangerous Behavior

If a student repeatedly engages in dangerous behavior that leads to instances of restraint and/or seclusion, the School shall conduct a functional behavioral assessment to identify the student's needs and more effective ways of addressing those needs. If necessary, this functional behavioral assessment should be followed by a behavioral intervention plan that incorporates appropriate positive behavioral interventions

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School District Monitoring and Complaint Procedures

*Monitoring Procedure.* To ensure this Policy is implemented, the School shall establish a monitoring procedure.

*Complaint Procedure.* The School shall also adopt a complaint procedure. The Complaint procedure shall be developed as follows:

- A parent may present written complaints to the Executive Director/Superintendent to initiate a complaint investigation by the School regarding an incident of restraint and/or seclusion
- The School will respond to the Complaint within thirty days of the complaint's filing.

Availability of IDEA Complaint Process for Students with Disabilities

The Parent of a student with disability may choose to file a complaint with the Ohio Department of Education, Office for Exceptional Children (the "Office"), in accordance with the complaint procedures available concerning students disabilities. Complaints alleging injuries to a student with a disability or the use of restraints and/or seclusion shall not be deemed insufficient on the face if they are framed within the context of IDEA, including:

- a pattern of challenging behaviors that are related to the student's disability;
- whether the student has had or should have a functional behavioral assessment (FBA) or a positive behavior support plan (PBSP);
- whether the FBA and the PBSP are appropriate    • whether the student's behavior and interventions are addressed or should have been addressed in the IEP; and
- whether staff has been sufficiently trained in de-escalation and restraint techniques.

Training and Professional Development

The School shall train its staff in accordance with this Policy. The training shall include the following components:

- All student personnel shall be trained annually on the requirements of this Policy, O.A.C. 3301-35-15, and the School's policies and procedures regarding restraint and seclusion. Student Personnel include teachers, principals, counselors, social workers, school resource officers, teacher's aids, psychologists, bus drivers, or other School staff who



interact directly with students.

- The Executive Director/Superintendent shall develop a plan regarding training student personnel as necessary to implement PBIS. This may be a multi-year process for a School that is not currently implementing PBIS across the entire program.
- The Executive Director/Superintendent 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 in accordance with the requirements of the provider of the training.

#### Disseminating this Policy

This Policy shall be made available to parents annually. Additionally, if the School has a website, the School shall post this Policy on its website.

[Adoption date: April 3, 2017]

References: *Ohio*: O.A.C. 3301-35-15; Governor's Executive Order 2009-135

File: JEEE

#### 504 Grievance

#### Compliance & Grievance Procedures

##### *Compliance Officer*

To ensure compliance with Section 504, the School has designated the Head Administrator as the School's Compliance Officer. As the Compliance Officer, the Head Administrator shall coordinate efforts to comply with Section 504 of the Rehabilitation Act, Title 2 of the Americans with Disabilities Act, and all other regulations.

##### *Grievance Procedure*

In compliance with Section 504, the School has adopted a grievance procedure to provide for the prompt and equitable resolution of applicable complaints brought under Section 504. The School

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shall not retaliate against any complaints or grievances filed. Grievance shall be conducted according to the procedure described below.

Complaints shall be filed in writing within fifteen (15) days of the alleged conduct. The written complaint must state the alleged discrimination and the facts that surround the conduct. The written complaint shall be filed with the Compliance Officer.

The Compliance Officer shall investigate the matter. The Compliance Officer shall attempt to First attempt to resolve the complaint informally, The Compliance Officer shall provide a written report of his/her finding (“Findings”) to all parties involved. The Finding shall indicate whether a Section 504 Violation occurred.

The Findings may be appealed in writing to the Governing Authority within ten (10) days of a receipt of the Finding. The Governing Authority may conduct a hearing on the matter. The Governing Authority shall issue a written decision regarding the matter.

Formal complaints may also be made with the U.S. Department of Education’s Office for Civil Rights. Formal complaints must be made either within thirty (30) days of the Governing Authority’s decision or ninety (90) days of the filing the original complaint. Disseminating this Policy The School shall post this policy in the School.

[Adoption date: April 3, 2017] References: *Federal*: 29 U.S.C. 701, et seq., 34 C.F.R. Part 104.

File: JFFF  
[2230]

## MEDICATION ADMINISTRATION

Findlay Digital Academy is an e-school but we do have a lab where students voluntarily choose to come for one-on-one tutoring. The students are not usually in the lab long enough to necessitate the administration of a medication. Students will be advised to schedule their lab visits around an required administration of medicine time so that the medicine can be administered at home under the supervision of the student’s parent.

[Adoption date: April 3, 2017]

*Ohio*: R.C. 3313.711, R.C. 3313.712, R.C. 3313.713.

File: JGGG

### **Diabetic Care**

The School is committed to ensuring that each student enrolled with diabetes receives appropriate and needed diabetes care in accordance with an order signed by the student's treating physician.

The diabetes care to be provided includes any of the following: checking and recording blood glucose levels and ketone levels or assisting the student with checking and recording these levels; responding to blood glucose levels that are outside of the student's target range; in the case of severe hypoglycemia,

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administering glucagon and other emergency treatments as prescribed; administering insulin or assisting the student in self-administering insulin through the insulin delivery system the student uses; providing oral diabetes medications; understanding recommended schedules and food intake for meals and snacks in order to calculate medication dosages pursuant to the student's physician's order; following the physician's instructions regarding meals, snacks, and physical activity; and administering diabetes medication, as long as the conditions described below are satisfied.

Within fourteen (14) days after the School receives an order signed by the student's treating physician, it shall inform the student's parent or guardian that the student may be entitled to a Section 504 Plan regarding the student's diabetes.

The administration of diabetes medication shall be in accordance with Policy JFFF Medication Administration. Also, a School employee who has received training provided by the School which training complies with the Ohio Department of Education's training guidelines, and complies with the following additional requirements: The training must be coordinated by a School nurse, or if the School does not employ a School nurse, a medical or osteopathic doctor, a registered nurse, or a licensed practical nurse with expertise in diabetes; The training will take place prior to the beginning of each school year or, as needed, not later than fourteen (14) days after the Board receives a physician's order related to a student with diabetes; Upon completion of the training, the Board will determine whether each trained employee is competent to provide diabetes care; The School nurse, medical or osteopathic doctor, registered nurse, or licensed practical nurse who provided the training will promptly provide all necessary follow-up training and supervision to an employee who receives training.

The head of school will distribute a written notice to each employee containing the following information: A statement that the School is required to provide diabetes care to a student with diabetes and is seeking employees who are willing to be trained to provide that care; A description of the tasks to be performed; A statement that participation is voluntary and that the School will not take action against an employee who does not agree to provide diabetes care, including that the employee will not be penalized or disciplined for refusing to volunteer to be trained in diabetes care; A statement that training will be provided by a School nurse, a medical or osteopathic doctor, a registered nurse, or a licensed practical nurse with expertise in diabetes to an employee who agrees to provide care; A statement that a trained employee will not be subject to disciplinary action by the Board for providing care or performing duties to students

with diabetes; A statement that a trained employee is immune from liability for damages in a civil action for injury, death, or loss to person or property allegedly arising from providing care or performing duties (unless the act or omission constitutes willful or wanton misconduct); The name of the individual to contact if an employee is interested in providing diabetes care.

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A student's diabetes medication will be kept in an easily accessible location.

A student with diabetes will be permitted to attend to his or her diabetes care and management, in accordance with the student's physician's order, during regular school hours and School- sponsored activities only if: the student's parent or guardian provides a written request that the student be permitted to attend to his or her diabetes care and management while at School and the student's physician has authorized such self-care and determined that the student is capable of performing diabetes care tasks.

A student with diabetes is permitted to perform diabetes care tasks in a classroom, in any area of the School or School grounds, and at any School-related activity. The student must have access to a private area for performing diabetes care tasks if the student or the student's parent or guardian makes such a request.

A student with diabetes is permitted to possess on the student's self at all times all necessary supplies and equipment to perform diabetes care tasks. If the student performs any diabetes care tasks or uses medical equipment for purposes other than the student's own care, the School will revoke the student's permission to attend to the care and management of the student's diabetes.

The School will provide training in the recognition of hypoglycemia and hyperglycemia, and actions to take in response to emergency situations involving these conditions, to both of the following: a School employee who has primary responsibility for supervising a student with diabetes during some portion of the school day, and a bus driver employed by the School who transports a student with diabetes.

By December 31 of each year, the School will report to the Ohio Department of Education the following information regarding students with diabetes: the number of students with diabetes enrolled in the School during the previous school year, and the number of errors associated with the administration of diabetes medication to students with diabetes during the previous school year.

*Ohio:* R.C. 3313.7112; R.C. 3314.03.

*Cross-Reference:* Policy 2230, Medication Administration; Form 2230.1, Medication Request Form; Form 2230.2, Parental Notification Regarding Medications.

(Adoption date: April 3, 2017)

File: JHHH

#### CORPORAL PUNISHMENT

Findlay Digital Academy will not use corporal punishment as a means of disciplining a student for violation of the Findlay Digital Academy Student Code of Conduct or for violation of state or federal laws.

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[Adoption date: June 1, 2017]

Ref: ORC 3314.03 (A)(11)(d)

## ADMINISTRATION OF NALOXONE

A School employee, volunteer, or contractor shall be authorized to administer naloxone to individuals who are apparently experiencing an opioid-related overdose, in accordance with the following policy.

To be eligible to authorize naloxone administration, a physician or board of health must establish a written protocol for administering naloxone. The protocol must include the following: (1) A description of the clinical pharmacology of naloxone; (2) Precautions and contraindications concerning the administration of naloxone; (3) any limitations concerning the individuals to whom naloxone may be administered; (4) The naloxone dosage that may be administered and any variation in the dosage based on circumstances specified in the protocol; (5) Labeling, storage, record-keeping, and administrative requirements; and (6) Training requirements that must be met before an individual can be authorized to administer naloxone. See Form 1 JHHH, Protocol for the Administration of Naloxone. An authorized school employee, volunteer or contractor must be approved to administer naloxone by the physician or board of health that established the written protocol contained in Form 1 JHHH, obtain the naloxone from the School, comply with the protocol, and summon emergency services as soon as practicable either before or after administering the naloxone.

A School employee, volunteer or contractor, acting in good faith, who administers naloxone in accordance with this policy to an individual who is apparently experiencing an opioid-related overdose, is immune from criminal prosecution for unauthorized practice of medicine or violation of Ohio drug laws. Additionally, school resource officers are immune from civil liability for any injury, death or loss of person or property that allegedly arises from obtaining, maintaining, accessing, or administering the naloxone.

A School employee, volunteer, or contractor is not liable for damages in any civil action or subject to prosecution in any criminal proceeding or professional disciplinary action for any act or omission associated with procuring maintaining accessing, or using naloxone under this policy and Ohio law, unless the act or omission constitutes will full or wanton misconduct. This immunity does not eliminate, limit, or reduce and other immunity or defense to which a School employee, volunteer, or contractor may be entitled under the revised Code or Ohio's common law.

R.C. 2625.61, 3707.562, 4729.514, 4731.943

[Adoption date: April 26, 2018]



## PROCUREMENT OF EPINEPHRINE AUTO-INJECTORS BY SCHOOLS

The School shall procure epinephrine auto-injectors ("Epi-Pens") for use in emergency situations. Epinephrine is a prescription drug used to treat life-threatening allergic reactions caused by insect bites or stings, foods, medications, latex, and other causes. The School may procure epinephrine auto injectors through purchase or may accept donations of epinephrine auto injectors from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code. The district may accept donations of money to purchase epinephrine auto injectors.

Findlay Digital Academy will secure the Epinephrine Auto injector from its sponsor, Findlay City Schools. Findlay City Schools will provide all required documentation for Epinephrine Auto injector purchase/procurement to the Ohio Department of Education

The Head Administrator shall adopt a policy and procedures, governing the maintenance and use of Epi-Pens. The Head Administrator shall consult with a licensed health professional who is authorized to prescribe drugs ("Prescriber") when developing the procedure, which shall:

- include a prescriber-issued protocol specifying definitive orders for Epi-Pens and the dosages of epinephrine to be administered through the Epi-Pens;
- identify the location(s) in each school building where the Epi-Pens shall be stored. Epinephrine auto injectors must be stored in a safe, secure, accessible, locked location in accordance with ORC 3313.713 that will allow for rapid, life-saving administration.;
- specify the conditions under which Epi-Pens must be stored, replaced, and disposed of. Epinephrine auto injectors that have expired should be disposed of in a sharps container. Epinephrine auto injectors that have been used should either be sent with emergency medical services or disposed of in a sharps container. Used and expired epinephrine auto injectors shall be replaced in a reasonable time period;
- specify the individuals employed by or under contract, in addition to a licensed School nurse and licensed athletic trainer, who may access and use Epi-Pens in emergency situations;

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- specify the training that employees or contractors (besides School nurses or athletic trainers) must complete before being authorized to access and use Epi-Pens;
- identify the emergency situations, including when an individual exhibits signs and symptoms of anaphylaxis, in which a School nurse, athletic trainer, or other trained employee/contractor may access and use an Epi-Pen; specify that assistance from an emergency medical service provider (911) must be requested immediately after an Epi-Pen is used; and specify individuals, in addition to students, employees, contractors, and visitors, to whom a dosage of epinephrine may be administered through an Epi-Pen in an emergency situation.

Each building shall contain at least two (2) Epi-Pens of both prescribed doses in their building. In procuring Epi- Pens, the Board will accept donations of Epi-Pens from wholesale distributors of dangerous drugs or manufacturers of dangerous drugs, as well as donations of money from any person to purchase Epi-Pens. The Head Administrator shall report to the Ohio Department of Education ("ODE"), in the form and manner determined by ODE, each procurement of Epi-Pens and each occurrence in which an Epi-Pen is used from the School's supply.

In order to allow the use of an Epi-Pen in an emergency situation, the Head Administrator shall obtain a protocol from an authorized prescriber in order to administer epinephrine from the School's supply.

The Schools, members of its Governing Authority, employees, contractors and a licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine auto injectors, provides a consultation, or issues a protocol under this Policy, shall not be liable in a civil action for damages resulting from injuries arising from acts or omissions associated with procuring, maintaining, accessing, or using Epi-Pens in emergency situations, unless the act or omission constitutes willful or wanton misconduct.

### Usage

Identified and trained individuals may administer an epinephrine auto injector to students, school employees or contractors, school visitors and other individuals in the school building in an emergency situation when a person exhibits signs and symptoms of anaphylaxis on school premises during the school day.

### Reporting

The School will report each procurement of and occurrence in which an epinephrine auto injector is used to ODE per protocol.

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R.C. 3314.143; 3313.7110.

[Adopted: April 26, 2018]