

**GOVERNANCE POLICIES**  
**OF**  
**THE GOVERNING AUTHORITY**  
**OF**  
**SUMMIT ACADEMY SCHOOL FOR ALTERNATIVE LEARNERS –**  
**WARREN MIDDLE AND SECONDARY**

An Ohio Non-Profit Corporation  
and  
Ohio Community School

Adopted

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Date

## TABLE OF CONTENTS

### **100 IDENTIFICATION/DEFINITIONS**

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

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

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

### **120 GENERAL GOVERNANCE**

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

### **130 BOARD MEETINGS**

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

### **140 GENERAL BOARD DUTIES**

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

149 Use of Cellular Telephones and Other Wireless Technologies

**150 ADMINISTRATION/PROGRAM/SCHOOL POLICIES**

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

**CONTENTS OF APPENDICES**

Appendix 115-A	Complaint Procedure
Appendix 121-A	Code of Regulations
Appendix 145-A	Media Release Consent Form
Appendix 147-A	Public Records Poster
Appendix 147-B	Request to Redact Personal Information
Appendix 147-C	Sealed Records
Appendix 147.1-A	Records Retention Schedule
Appendix 148.8-A	Methods of Procurement Using Federal Grant Funds

## **SECTION 100**

### **IDENTIFICATION/DEFINITIONS**

#### **101 Name**

The School Governing Authority of this Ohio Community School known as Summit Academy School for Alternative Learners – Warren Middle and Secondary shall be referred to herein as the “Governing Authority” or “Board of Directors” or “Board.”

#### **102 Type of Corporation**

Summit Academy School for Alternative Learners – Warren Middle and Secondary was established as an Ohio non-profit corporation under Chapter 1702 of the Ohio Revised Code (R.C. 3314.03(A)(1)) to operate a community school.

#### **103 Facility**

The physical location of Summit Academy School for Alternative Learners – Warren Middle and Secondary is comprised of a certain area as described in the contract with the authorized Sponsor.

#### **104 Address**

The official address of the Governing Authority shall be 1461 Moncrest Drive NW, Warren, Ohio 44485.

#### **105 Definitions and Headings**

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

Board or Governing Authority

The Board of Directors of the Corporation.

Charter Contract

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

## Corporation

The Ohio non-profit corporation known as Summit Academy School for Alternative Learners – Warren Middle and Secondary.

## Headings

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

## Management Company

A Company contracted with the Board to manage certain functions of the School, currently Summit Academy Management (“SAM”).

## May

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

## Parent

The natural or adoptive parents, or, the party designated by the courts as the legal guardian or custodian of a student. Both parents will be considered to have equal rights unless a court of law decrees otherwise.

## Policy

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

## Principal

The Principal is the highest level person on site at the School facility on a day-to-day basis. Principal also means, to the extent permissible by law, the Principal’s designee.

## School

Summit Academy School for Alternative Learners – Warren Middle and Secondary, sometimes referred to herein as “School.”

## School Property

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

## School Sponsored Activity or Event

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

### Shall

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

### Sponsor

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

### Staff or Employee

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

### Student

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

### Superintendent

Superintendent. The Superintendent is the person acting in the role of Superintendent. Currently, the Chief Academic Officer acts in this role.

## **SECTION 110**

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

#### **111 Authority**

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

#### **112 Board Powers**

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

## 113 Board Members' Powers

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

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

## 114 Ethics and Conflicts Policy

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

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

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

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

1. Revised Code Section 102.03(D) & (E). A Board member cannot use, or authorize the use of, the authority or influence of his/her office or employment, or solicit or accept anything of value of such character as to manifest a substantial and improper influence upon him/her with respect to his/her duties.
  - a. "Anything of value" includes money and every other thing of value.

- b. A thing of value has an improper character when it is secured from a party interested in matters before, or doing or seeking business with, the community school, its Board or employees, or where it could impair a Board member's objectivity and independence of judgment regarding his/her official actions and decisions.
  - c. A Board member shall not participate in matters that will benefit parties with whom he or she has a close family, economic, or business relationship.
  - d. **Abstain.** A Board member may avoid a conflict under R.C. 102.03(D) and (E) by abstaining from voting and refraining from discussions or deliberations of the Board regarding the matter. The Board shall follow the procedures set forth in Part E of this policy when presented with a transaction to which R.C. 102.03(D) or (E) applies.
2. Revised Code Section 2921.42(A)(1). A Board member cannot authorize or employ the influence of his/her office to secure authorization of any public contract in which he/she, a member of his/her family, or any of his/her business associates has an interest.
- a. A prohibited interest must be direct and definite and may be either pecuniary or fiduciary in nature.
  - b. **Abstain.** A Board member may avoid a conflict under R.C. 2921.42(A)(1) by abstaining from voting and refraining from discussions or deliberations of the Board regarding the matter. The Board shall follow the procedures of Part D of this policy when considering a situation involving R.C. 2921.42(A)(1).
3. Revised Code Section 2921.42(A)(3). A Board member shall not occupy any position of profit in the prosecution of a public contract which she or the community school board authorized, and which was not let by competitive bidding to the lowest and best bidder while the Board member holds a position on the Board or within one year thereafter.
- a. A Board member occupies a position of profit in a public contract whenever he/she will receive a fee or compensation that is paid from or is dependent upon the contract, or the Board member will receive some other profit or benefit from the contract.
  - b. **Abstention** will not cure an R.C. 2921.42(A)(3) conflict.
4. Revised Code Section 2921.42(A)(4). A Board member cannot have an interest in the profits or benefits of a public contract entered into by or for the use of the community school.
- a. A Board member has a prohibited interest in the profits or benefits of a public contract if the Board member would financially benefit from the contract, or the Board member has an ownership or fiduciary interest in the entity that is entering into the contract, unless the exception in R.C. 2921.42(C) applies.
  - b. For the exception to apply pursuant to R.C. 2921.42(C), the subject of the contract must be necessary supplies or services for the community school, and the supplies or services must be unobtainable elsewhere for the same or lower cost, or be furnished to the community school as part of a continuing course of dealing established prior to the Board member becoming associated with the community school, and, treatment of the community school must either be preferential to or the same as that accorded to other customers in a similar transaction. Under the exception, the entire transaction conducted at "arms-length" with the Board's full knowledge of the Board member's interest.

c. Abstention will not cure an R.C. 2921.42(A)(4) conflict unless the exception in R.C. 2921.42(C) applies.

5. Revised Code Section 2921.43(A). No public servant may knowingly solicit or accept improper compensation (a) other than as allowed by R.C. 102.03 (G), (H) and (I), to perform their acts, duties or services in their public servant capacity or as a supplement thereof, or, (b) for any additional or greater fees or costs than allowed by law in order to perform their official duties;
6. Revised Code Section 2921.43(B). No public servant shall solicit or accept anything of value for their own personal or business use or for the business or personal use of another public servant or party official, in consideration for (a) appointing, securing, maintaining, or renewing the appointment of any person to public office, employment or agency, or, (b) preferring or maintaining a public employee's compensation, duties, placement, location, promotion or other material aspect of employment. A person is not prohibited from making voluntary contributions.
7. Revised Code 2921.43(C). No person shall coerce any contribution for the benefit of a political party, campaign committee, legislative campaign fund, political action committee or political contributing entity, in consideration for (a) appointing, securing, maintaining or renewing the appointment of any person to any public office, employment or agency, or (b) preferring or maintaining the status of any public employee's compensation, duties, placement, location, promotion or other material aspects of employment. Coercion need not actually cause or prohibit any action from actually occurring. A person is not prohibited from making voluntary contributions.
8. Revised Code Section 2921.44. A fiscal officer shall be disqualified from serving as a public official for four years after being found guilty of dereliction of duty in Ohio and, also prohibited from holding a public office until all restitution or repayment required by a court has been satisfied. Dereliction of duty may include (a) recklessly creating a deficiency, incurring a liability, or expending a greater sum than is appropriated by the general assembly for the use in any one year for the entity to which the public official is connected; or, (b) recklessly failing to perform a duty expressly imposed or forbidden by law with respect to the public servant's office.

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

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

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

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

- b. The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- c. After exercising due diligence, the governing board or committee shall determine whether the School can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
- d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested Board members whether the transaction or arrangement is in the School's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

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

1. Violations of the Conflicts of Interest Policy.

- a. If the Board or committee has reasonable cause to believe a member has failed to disclose an actual or possible conflict of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
- b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

2. Documentation. The minutes of the Board and all committees with board- delegated powers shall contain:

- a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the Board's or committee's decision as to whether a conflict of interest in fact existed.
- b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

3. Annual Statements. Each Board member, principal officer and member of a committee with governing board delegated powers shall annually sign a statement which affirms such person:

- a. Received a copy of the conflict of interest policy;
- b. Read and understands the policy;
- c. Agreed to comply with the policy;

- d. Understands the School is charitable and must engage primarily in activities which accomplish one or more of its tax-exempt purposes to maintain its federal tax exemption;
  - e. Acknowledges that a voting Board member who receives compensation, directly or indirectly, from the School for services is precluded from voting on matters pertaining to that member's compensation;
  - f. Acknowledges that a voting committee member whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the School for services is precluded from voting on matters pertaining to that member's compensation; and
  - g. Acknowledges that no voting member of the Board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the School, either individually or collectively, is prohibited from providing information to any committee regarding compensation.
4. Periodic Reviews. To ensure the School operates in a manner consistent with its charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:
- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining.
  - b. Whether partnerships, joint ventures, and arrangements with management companies conform to the School's written policies, are properly recorded, are a reasonable investment or a reasonable payment for goods and services, further its charitable purposes and do not result in inurement, impermissible private benefit, or an excess benefit transaction.
5. Use of Outside Experts. The School may use outside experts in conducting its reviews, but, such use does not relieve the Board's obligation to conduct periodic reviews.
6. Immediate Relatives. No present or former Board member, or immediate relative of any present or former Board member, shall be an owner, employee, or consultant of any sponsor or operator of any community school, unless at least one year has elapsed since the person's membership or employment with the sponsor or operator ceased.
- a. An "immediate relative" means the spouse, children, parents, grandparents, siblings, and in-laws of the Board member's family.

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

\_\_\_\_\_  
Signature and Title

\_\_\_\_\_  
Date

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

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

## **115           Complaints/Judicial Powers**

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

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

See **Appendix 115-A** Complaint Procedure.

## **SECTION 120**

### **GENERAL GOVERNANCE**

## **121           Code of Regulations**

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

See **Appendix 121-A** Code of Regulations.

## **122           Orientation**

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

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

- a copy of the Ohio Open Meetings Law (R.C. 121.22);
- a copy of these Governance Policies;
- a copy of the current Contract with the School's Sponsor;

- the current budget statement and related fiscal materials;
- a copy of the contract with a Management Company, if any;
- governance training if required by the Sponsor or the Board.

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

### **123                    Contracts with Sponsor/Fiscal Officer**

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

### **124                    Reimbursement/Compensation**

#### Reimbursement

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

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

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

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

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

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

#### Compensation Procedures

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

- a. Approve all compensation arrangements in advance (before paid).

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

The Board hereby approves compensation of \$125 per meeting attended for each community school Board Member to be effective at the end of his or her term, for his or her next term. The Board may reduce this approved amount by resolution for any Board Member, at the Board Member's request, to be effective at the end of his or her term. Nothing prohibits a Board Member from voluntarily waiving all or a portion of his or her compensation.

The Board hereby approves compensation of \$60 for attendance at an approved training program three hours or less in length. The Board hereby approves compensation of \$125 for attendance at an approved training program over three hours in length. The Board may reduce these approved amounts by resolution.

No Board Member shall be compensated more than \$125 per meeting or training program over three hours in length, or \$60 for training program three hours or less in length. No Board Member shall be compensated more than a total amount of \$5,000 per year for all Ohio community school governing authorities on which the individual serves, and the \$5,000 cap includes money received for attendance at approved training sessions.

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

## **125                    Background Checks of Board Members**

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

*R.C. 3314.19(I).*

## **SECTION 130**

### **BOARD MEETINGS**

i

## **131                    Meetings/Executive Sessions**

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

### Regularly Scheduled Meetings

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

### Special Meetings

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

### Emergency Meetings

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

### Advance Notification

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

### Executive Sessions

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

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

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

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

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

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

#### Retreats or Seminars

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

*R.C. 121.22.*

## **132 Parliamentary Authority**

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

### **133            Voting**

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

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

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

### **134            Minutes**

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

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

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

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

### **135            Attendance**

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

With that responsibility in mind, Board members agree that:

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

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

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

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

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

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

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

The presiding officer shall be guided by the following rules:

- A. Public participation shall be permitted as indicated on the order of business or at the discretion of the presiding officer.
- B. Attendees must register their intention to participate in the public portion of the meeting upon their arrival at the meeting.
- C. Participants must be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name, address, and group affiliation, if and when appropriate.
- D. Each statement made by a participant shall be limited to two (2) minutes duration.
- E. No participant may speak more than once on the same topic unless all others who wish to speak on that topic have been heard.
- F. All statements shall be directed to the presiding officer; no person may address or question Board members individually.
- G. Video recordings are permitted, providing the person operating the recorder has contacted the Principal or his/her designee prior to the Board meeting to review possible placement and agrees to the placement of the equipment, and agrees to abide by the following conditions:
  1. No obstructions are created between the Board and the audience.
  2. No interviews are conducted in the meeting room while the Board is in session.
- H. The presiding officer may:
  1. interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;

2. request any individual to leave the meeting when that person does not observe reasonable decorum;
3. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
4. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action;
5. waive these rules.

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

## **SECTION 140**

### **GENERAL BOARD DUTIES**

#### **141            Review of Policies**

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

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

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

The Board shall designate a fiscal officer, and such fiscal officer shall execute a bond in an amount and with a surety acceptable to the Board, payable to the State of Ohio. Such bond shall be deposited with the Board and a Board-certified copy filed with the County Auditor. The fiscal officer or agent must meet the requirements of Ohio Revised Code 3314.011.

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

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

See also Policy No. 148.5 Annual Financial Report.

#### **143            Monitoring of Charter Contract**

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

## **144 Reporting Requirements**

The Governing Authority shall comply with the annual reporting requirements of the Ohio Revised Code 3314.08(B)(2)(a)-(i), and 3314.0714, and may delegate this responsibility or any other applicable reporting requirements to the Principal or his/her designee.

## **145 Media Policy**

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

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

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

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

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

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

See also Policy No. 429 Crisis Media Situations.

## **146 Intentionally Left Blank**

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

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

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

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

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

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

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

### Redacting, Encrypting or Truncating Personal Information

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

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

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Acknowledgement of Employee or Designee  
in Charge of Public Records

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Date

*R.C. 149.43*

See also Policy No. 325.1 Public Records. **Appendix 147-A** Public Records Poster; **Appendix 147-B** Request to Redact Personal Information.

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

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

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

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

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

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

### E-Mail and Correspondence Retention

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

1. Non-Record Materials (delete immediately)

E-mail messages and correspondence that do not meet the criteria of being a “public record” under R.C. 149.43, because they do not document the organization, functions, policies, decisions, procedures, operations or other activities of the office, may be deleted immediately. These e-mails include:

Personal correspondence.

Publications, promotional materials and similar materials (unless specifically incorporated into other materials that are “records”)

2. Official Records

Transient Retention (Retain until no longer of administrative value)

Transitory messages of very limited administrative value.

(e.g., a message of an upcoming meeting only has administrative value until the meeting occurs; telephone messages; drafts, and other documents which serve to convey information of temporary importance in lieu of oral communication).

### Intermediate Retention

1. General Correspondence (Two years)

Internal Correspondence (letters, memos)

Correspondence from various individuals and organizations (requesting information or correspondence that is informative but does not attempt to influence policy)

2. Routine Correspondence (One year)

Referral letters, requests for routine information and requests for publications which are answered by standard form letters.

### Long term Retention

1. Executive Correspondence

Correspondence dealing with significant aspects of the administration of their offices. (e.g., information concerning agency policies, program, fiscal, and personnel matters).

### Storing E-mail Records

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

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

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

*RC 149.41; RC 149.351*

See **Appendix 147.1-A** Records Retention.

## **148 Finances**

### **148.1 Purchasing/Invoicing**

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

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

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

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

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

See also Policy 148.6 Credit Cards.

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

### Purpose

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

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

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

### Criteria for Fixed Asset Capitalization and Valuation

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

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

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

### Management of Fixed Assets

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

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

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

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

The following information shall be maintained for all fixed assets:

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

#### Acquisition of Fixed Assets

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

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

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

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

under a federal award from the same agency then to activities under a federal award from other federal agencies.

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

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

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

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

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

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

#### Disposal of Fixed Assets

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

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

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

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

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

*2 C.F.R. 200.*

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

### **148.3 Audit Committee**

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

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

*OAC 117-2-05*

### **148.4 Independent Contractors**

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

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

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

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

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

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

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

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

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

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

**OR**

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

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

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

*IRC 6041; R.C. 3314.41*

## **148.5 Annual Financial Report**

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

1. The amount of collections and receipts, and accounts due from each source;
2. The amount of expenditures for each purpose;

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

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

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

## **148.6 Credit Cards**

For purposes of this policy credit cards are defined to include business check cards and debit cards. The Board recognizes the convenience and efficiency afforded by the use of School credit cards. A credit card shall not be used in order to circumvent the general purchasing procedures established by State law and Board policy. The Board affirms that credit cards shall only be used in connection with Board-approved or School-related activities and that only those types of expenses that are for the benefit of the School and serve a valid and proper public purpose shall be paid for by credit card. As such, employees are required to abide by the following guidelines when using a School credit card.

1. All credit cards issued to and in the name of the School shall be held and supervised by the Principal.
2. Subject to the discretion of and the approval of the Principal, credit cards may be used for eligible goods and services including:
  - a. Transportation reservations and expenses.
  - b. Conference registrations.
  - c. Hotel reservation guarantees and expenses.
  - d. If monies are budgeted and deposited with the Principal in advance, credit cards may be used by Employees for student trips and competitions for safety and security reasons.
  - e. Reasonable real expenses, including a maximum gratuity of twenty percent (20%), but excluding alcoholic beverages, since the purchase of such beverages clearly fails to serve a valid and proper public purpose.
  - f. Purchases from vendors who do not accept purchase orders or vouchers, with prior approval from the Principal.
  - g. Other purchases approved by the Principal on a case-by-case basis.

3. Credit cards shall not be used for personal purchases or expenditures not allowed under this guideline. In particular, credit cards shall not be used for expenses that are not incurred in connection with Board-approved or School-related activities, are not for the benefit of the School, and do not serve a valid and proper public purpose. Use of credit cards in an unauthorized or illegal manner may result in revocation of credit card privileges, disciplinary action and/or, where appropriate, may require the user to pay any and all inappropriate charges, including finance charges and interest assessed in connection with the purchase.
4. Employees requiring the use of School credit cards shall request (in writing) such cards from the Principal.
5. The School is a nonprofit instrumentality of the State of Ohio. Tax exemption forms shall be utilized and are available in the Principal's office.
6. Upon receipt of a School credit card, employees shall:
  - a. Inform merchants that the purchase is for "Official School Business" and is not subject to State or local sales tax. However, if the merchant fails to waive the tax, the employee shall pay it. For large purchases where the merchant refuses to waive the tax, the employee shall present a tax exemption form.
  - b. Maintain credit cards in a secure fashion and prevent unauthorized charges to the account.
  - c. Maintain sufficient documentation of all purchases, including, but not limited to, charge receipts, original cash register slip or other detailed receipt, and invoices.
  - d. Provide documentation of all purchases to the Principal in a timely manner to ensure prompt payment.
  - e. Immediately notify his/her immediate supervisor and the Principal if the card is lost or stolen.
  - f. After use, School credit cards are to be returned to the Principal, along with appropriate receipt copies of all charges.
  - g. Upon receipt of the appropriate documentation, credit card expenditures will be paid through the Principal's Office.
  - h. The Principal or his/her designee will monitor the credit card account(s) and reconcile all credit card accounts on a monthly basis. A report will be a part of the monthly Cash Activity Report, as reported to the Board.
  - i. If the employee is terminated or resigns, (s)he must return the credit card and shall remain responsible for any inappropriate use.
7. Failure to turn in receipts and appropriate forms to the Principal within five business days may result in the charges being deemed unrelated or unsubstantiated. This amount will then be charged back to the user.

## **148.7 Staff Reimbursement**

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

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

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

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

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

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

*Ohio Ethics Comm. Advisory Opinion No. 91-010*

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

In addition to the applicable policies set forth elsewhere in this manual, the following policies shall apply when the School expends federal grant funds to purchase property or obtain services.

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

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

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

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

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

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

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

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

- C. Procurement Procedures. To the extent required by law:
1. The School shall review any proposed procurement to avoid purchasing unnecessary property or services. The School shall avoid purchasing duplicative items.
  2. Before acquiring an item, the School shall compare the advantages of leasing and purchasing property, purchasing surplus property, or sharing services where permitted by law. The School shall also consider consolidation or breaking out procurements to obtain more economical purchases.
  3. Prior to accepting bids or proposals, the School shall make independent estimates of cost and price. The School shall conduct a cost or price analysis in connection with every procurement transaction, including contract modifications.

4. The School shall ensure that its solicitations for goods and services contain descriptions and technical requirements of the goods and services sought, all factors to be used in evaluating bids or proposals, and provide any other information required under the applicable federal regulations. The School shall not require brand name products unless the brand name is specified as a means to define the performance or other salient requirements of procurement.
  5. The School shall attempt to ensure that the parties with which it contracts are responsible and capable of fulfilling the terms and conditions of the contract. The School shall give consideration to the contractor's integrity, compliance with public policy, record of past performance, and financial and technical resources.
  6. The School shall only use time and material type contracts after a determination that no other contract is suitable and, if a contract includes a ceiling price, the contract must specify that the contractor exceeds the ceiling at its own risk.
  7. The School shall create and maintain records that document the procurement process that the School followed in each procurement transaction, including the rationale for utilizing the selected procurement method, the selection of contract type, the basis for awarding or rejecting the contract, the justification for lack of competition if competitive bids or proposals are not sought, and the basis for the award cost or price.
  8. The School shall make its procurement records available for review upon request by the awarding federal agency or pass-through entity.
- D. Contract Provisions. Procurement contracts shall, at minimum, include the terms and conditions that are required by the applicable federal procurement regulations. To the extent required by law, the School shall require that the person awarded a contract satisfy the bonding requirements set forth in the applicable federal regulations.
- E. Contract Administration. The School shall delegate to one or more school employee the responsibility for administering all procurement contracts and ensuring that the party awarded the contract satisfies the terms, conditions, and specifications of the procurement contract or purchase order.
- F. Small/Minority/Women Businesses. The School shall take affirmative steps to contract with small businesses, minority-owned firms, and women's business enterprises when possible. The School shall also require a contractor, if it subcontracts, to take affirmative steps to contract with small businesses, minority-owned firms, and women's business enterprises when possible.
- G. Dispute Resolution. Any issues related to the procurement contract and administrative procedures, including source evaluation, protests, disputes, and claims, will be resolved according to the following dispute resolution procedures, and the School will disclose information regarding the dispute to the appropriate federal officials. Any grievant must file a written complaint requesting an opportunity to be heard by the Governing Board or the Board's designee. The Board or its designee will review any information presented and provide a written decision within a reasonable time. If the grievant is not satisfied with this decision, the matter shall be submitted to a qualified mediator for mediation. The parties will make every attempt to resolve such disputes through mediation and shall equally split all fees or costs of any third party mediator.

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

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

#### Federal Grant Administration

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

- A. Monitoring Grant Applications. The School shall delegate to one or more persons the responsibility for monitoring all pending federal grant applications, and that person or persons shall provide the Board with a report on the status of all federal grant applications at each regularly scheduled Board meeting.
- B. Monitoring Grant Expenditures. The School shall delegate to one or more persons the responsibility for monitoring federal grant expenditures, and that person or persons shall provide the Board with a report on the expenditures made from each federal grant at each regularly scheduled Board meeting.
- C. Final Expenditure Reports. The School shall delegate to one or more persons the responsibility for reviewing all final expenditure reports for each federal grant that the School was awarded, reconciling the report(s) with the School's financial records, and ensuring that the final expenditure report for each federal grant is complete and accurate.

Effective for fiscal years 2015 and 2016, the School selected to postpone the implementation of this internal procurement policy unless the Board resolves to adopt the Uniform Grant Guidance pursuant to 2 C.F.R. 200 for any earlier grant.

*2 C.F.R. 200.*

See also Policy 114 Ethics and Conflicts Policy and Policy 148.2 Fixed Asset Policy/Title I and Federal Grant Assets Policy. See **Appendix 148.8-A** Methods of Procurement Using Federal Grant Funds.

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

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

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

#### Board-Owned Wireless Communication Devices

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

The Principal shall regularly ensure the following:

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

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

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

Wireless Communication Device service accounts are expected to be set at the minimum service level that fulfills the business needs for the position in question. If the cellular telephone contract is based on minutes used, a minimal plan shall be utilized. In other words, the smallest plan available to accommodate the particular business need shall be utilized. If the Wireless Communication Device is wifi- or cellular data-enabled or is a broadband access device, the contract that is selected for an employee should provide for only the necessary amount of cellular data or broadband access as is necessary to meet business needs. The Wireless Communication

Device contract that is selected for an employee should be the one that provides a combination of services, including but not limited to the number of minutes/ talk time, cellular coverage, and local call zone most nearly matching the employee's recurring business needs.

Possessing a Board-owned Wireless Communication Device is a privilege and all employees are expected to use the devices appropriately and responsibly. Employees are responsible for managing the cost-effectiveness of Wireless Communication Devices by utilizing assigned landlines, accessing wifi, and using desktop hardware where such secure, appropriate, and available alternatives exist. Employees should know that calls outside the immediate area may result in roaming charges, in addition to long distance and regular charges, and that the Board is charged for both outgoing and incoming cellular telephone calls. Employees should also be aware that excessive use of Wireless Communication Devices capable of using cellular data or accessing broadband services may result in overage charges and temporary suspension of the use of cellular data or broadband service.

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

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

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

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

#### Responsible Use of Wireless Communication Devices

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

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

Safety is a priority of the Board, and responsible use of Wireless Communication Devices includes safe use. Employees are discouraged from using Wireless Communication Devices while driving. Staff should plan to make all calls, send text messages and emails, or engage in other communications either prior to traveling or while on rest breaks.

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

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

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

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

## **SECTION 150**

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

#### **151 Approval of Management by Management Company**

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

## **152 Board/Principal/Management Company/Fiscal Agent Relationships**

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

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

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

## **153 Role of Management Company**

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

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

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

## **154 Job Descriptions**

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

i

## **155 Mission Statement**

Summit Academy Schools build hope, success, and well-being through education and advocacy for children with special needs.

## **156 Statement of Philosophy**

Safety – I will keep others and myself safe at all times, both physically and emotionally.

Respect – I will value the Summit Academy Code of Conduct. I will not disrespect anyone in the group, but will help to build up others. When I help someone, I am helped.

Full Participation – I will participate in all scheduled activities without complaint, and to the best of my abilities.

Honest Feedback – I will offer honest opinions to others in the group in an affirming (nice) way. I also will accept others' comments to me, as this will help me grow.

## **157 Insurance**

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

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

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

The  School Treasurer,  fiscal agent,  Principal, or  management company (check one) shall administer the insurance program.

## **158 Curriculum Development**

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

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

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

The Board directs that the curriculum of this School:

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

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

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

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

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

## **159                    Development of School Policies**

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

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

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

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

## Appendix 115-A

### Complaint Procedure

This procedure is to be used only when no other complaint, reporting or appeal procedure is specified in the School Policies. Complainants must follow the order stated below.

1. A written complaint is first given to the staff person at the lowest level most directly involved in the complaint. As an alternative, a complainant may come in to the office and have an administrator write down the complaint for them, in the complainant's own words. At this first level, a complaint would be made to the student's teacher for a parent, or, the teacher's/next highest supervisor, or, for staff, that staff person's supervisor. A complaint of harassment may skip a level if the level skipped is the level of the alleged harasser.
2. If the person complaining (complainant) is unsatisfied with the response or the complaint is unresolved after the response, the written complaint should be given to the Principal. The Principal will consider all of the facts and circumstances and call or write to the complainant with his/her decision or comments.
3. If the person complaining is still unsatisfied and the complaint remains unresolved, the written complaint should be addressed to the Superintendent. If the complainant is unsatisfied after the investigation and an opinion or resolution offered by the Superintendent, then the complainant may proceed to step 4.
4. The written complaint will be tendered to the Superintendent by the person complaining and may be sent by electronic mail.
5. The Superintendent verifies that the complainant has followed the complaint procedures listed above. If steps 1-4 above have not been followed, the Superintendent directs the complaint back to the proper lower level.
6. If the step 1-4 procedures have been properly followed, the Superintendent speaks directly with the complainant, any staff involved, the Principal, and the student depending on the circumstances.
7. An investigator may be assigned and if so, the Superintendent provides appropriate information to the investigator. An investigator may be a third party, or an attorney who represents the Board or management company..
8. The investigator or the Superintendent, reviews all information and develops a plan of action, a proposed resolution or findings.
9. The plan of action is implemented and the findings are reduced to writing.
10. The complainant is kept informed.
11. The investigator or the Superintendent contacts the complainant to inform them of the resolution, findings and/or a plan of action.
12. The complainant may request reconsideration within 10 days of receipt of the resolution or a plan of action.
13. Reconsideration is addressed by the \_\_\_\_\_ in writing, within 30 days. The \_\_\_\_\_ may involve the attorney, the sponsor or all or part of the Board at his/her discretion.

## Appendix 121-A

### REVISED

### AMENDED AND RESTATED CODE OF REGULATIONS OF

### SUMMIT ACADEMY SCHOOL for ALTERNATIVE LEARNERS - WARREN MIDDLE & SECONDARY

Adopted: August 3, 2016

#### ARTICLE I PURPOSE

Section 1. Purpose. The Summit Community School for Alternative Learners - Warren Middle & Secondary (the "Corporation") is organized for charitable and educational purposes as a public benefit corporation to operate as a public school in the State of Ohio, as further provided in the Corporation's Articles of Incorporation (the "Articles").

#### ARTICLE II DIRECTORS

Section 1. Directors as Members. There shall be no members of the Corporation. The Directors shall, for purposes of any statute or rule of law relating to Ohio non-profit corporations, act as the members of the Corporation, and shall have all the rights and privileges of members as permitted under the Ohio Non-Profit Statute, Chapter 1702 of the Ohio Revised Code (as amended), to the extent necessary for the proper operation of the Corporation. The procedures governing the actions of the Directors set forth in this Amended and Restated Code of Regulations (the "Regulations") and the Ohio Non-Profit Statute, Chapter 1702 of the Ohio Revised Code (as amended), shall apply to all actions taken by the Directors when acting as the Corporation's members.

Section 2. Number. The number of Directors of the Corporation shall be at least five (5) and no more than fifteen (15), or such greater number as may be subsequently determined by the Directors.

Section 3. Term. Each Director will serve a three-year term, which expires on June 30<sup>th</sup> of the third year following the year of their election, and which may be renewed as many times as such Director is elected. Each Director shall hold office until that Director's term expires, or until his or her successor is elected, or until his or her earlier resignation, removal from office, or death. The Directors of the Corporation as of the date of adoption of these Regulations is set forth on the attached **Exhibit A**. Notwithstanding anything in these Regulations to the contrary, the Directors listed on the attached **Exhibit A** will serve initial terms of three (3) years, two (2) years, or one (1) year, beginning on the date of adoption of these Regulations (as set forth in the attached **Exhibit A**), in order to create staggered terms. A Director elected to fill a vacancy created by resignation, removal, death of a Director shall complete the unexpired term of that Director and serve until his or her successor is elected unless he/she earlier resigns, dies, or is removed. A Director elected to fill a vacancy resulting from an increase in the number of Directors shall serve for an initial term that is determined by the Board of Directors.

Section 4. Qualifications and Role of Directors. The Directors shall be, in their capacity as Directors, the Governing Board of a public community school in Ohio. The Directors shall have a strong interest in the welfare of the Corporation and in education. Each Director should

be willing and able to attend all meetings, both regular and special, and also be willing to accept special assignments and serve on committees.

Section 5. Election of Directors. Candidates for Director shall be nominated by the Board of Directors or a committee thereof. The Board of Directors shall elect Directors to fill the vacancies created by the expiration of the Directors' terms of Office at the annual meeting of the Board of Directors or, if not held, at the next scheduled regular meeting or a special meeting called for that purpose. Directors shall cumulate their votes when voting to fill more than one vacancy on the Board of Directors. The Board of Directors shall fill any vacancy in the Board of Directors resulting from an increase in the number of Directors or the resignation, removal, or death of Director as soon as is practicable at a regularly scheduled or special meeting of the Board of Directors. The remaining Directors, though less than a majority of the whole authorized number of Directors, may, by a vote of the majority of their number, fill any vacancy in the Board for the unexpired term.

Section 6. Meetings. The annual meeting of the Directors shall be held at such time, date, and place as a majority of the Directors may determine. The Board of Directors may, by resolution, provide for regularly scheduled meetings of the Board. Special meetings may be called at any time by the President or by any two (2) Directors. Provided however, for so long as the Corporation is operating as a public Ohio community school, meetings relating in any way to the business or operation of the public school must be open to the public and publicized or advertised as required by law. Notwithstanding anything to the contrary in this Code, no group of Directors which consist of a majority of the Board of Directors, including committees of Directors, shall meet in a prearranged manner to discuss public school business, without proper notice to the public of a regular or special meeting.

The rules contained in the current edition of Robert's Rules of Order Newly Revised, shall govern the applicable procedure at meetings, as long as such rules are not inconsistent with these Regulations, Ohio law, or any special rules the Board of Directors may adopt.

Section 7. Quorum and Voting. The physical presence of a simple majority of the total number of Directors shall constitute a quorum for the transaction of business at all meetings of the Board of Directors. A vote of a simple majority of the Directors physically present at a meeting at which a quorum is present shall be required to effectuate action on all matters within the powers of the Board of Directors unless otherwise provided by law or herein. The Directors must be physically present at a meeting in order to be counted as part of a quorum and to vote. In the event the Corporation is no longer operating a public Ohio community school, or, in the event Ohio law ever allows the following procedure for open meetings, then the Directors shall for purposes of this section be deemed present and able to vote at such meeting if a conference telephone or similar communications equipment is used by means of which all persons participating in the meeting can communicate with each other at the same time.

Section 8. Notice and Waiver. Unless waived, notice of each annual or special meeting communicating the day, hour and place, and the purpose or purposes thereof shall be given to each Director by the Secretary of the Corporation not more than sixty (60) days nor less than three (3) days before any such meeting.

Any notice required to be given by these Regulations, shall be in writing and shall be delivered personally or sent by telegram, telecopy, or electronic mail transmission, or by United States mail, express mail, or courier service, with postage or fees prepaid. For any notice sent by

personal delivery, telegram, teletype, or electronic mail, notice shall be deemed to be given when delivered or transmitted. For any notice sent by United States mail, or courier service, notice shall be deemed to be given when delivered or deposited in the mail or with the courier service. Notice, if sent by United States mail, express mail, courier service, or telegram shall be sent to the address of the person listed in the records of the Corporation. Notice, if sent by teletype or electronic mail, shall be sent to the number/address furnished by the person for such transmissions.

Notice of the time and place of any meeting of the Board of Directors may be waived by telegram, teletype, electronic mail transmission, or other writing, either before or after such meeting has been held. The attendance of any Director at a meeting without protesting, prior to or at the commencement of the meeting, shall waive notice or lack of proper notice of that meeting. However, once a charter contract is executed and the corporation is a public school, nothing in this Section 8 shall alter the duty of the Corporation to provide proper notice of meetings to the public.

Section 9. Action by Written Consent. Any action required or permitted to be taken at any meeting of the Board of Directors or of any committee thereof may be taken without a meeting, if a written consent to such action is signed by all of the Board of Directors or of such committee, as the case may be, and such written consent is filed with the minutes of proceedings of the Board of Directors or committee. Such a written consent may be signed by facsimile signatures which shall be construed as originals, and/or on separate but identical documents which shall be construed as one original. Provided however, if the Corporation is operating as a public school pursuant to a fully executed charter contract, all action must be taken at open and public meetings and action by written consent shall not be allowed.

Section 10. Committees of Directors. The Board of Directors may create a committee or committees as the Directors may determine, the members of which committee or committees shall consist of not less than one (1) Director. A simple majority of the members of any such committee shall constitute a quorum, and the act of a simple majority of the votes cast at a meeting at which a quorum is present shall be the act of the committee. In every instance, however, the final action on all committee business shall be in the nature only of recommendations to the Board of Directors. Notwithstanding anything to the contrary in this Section 10 however, once the Corporation has a fully executed charter contract and becomes a public school, no committee nor any group of Directors, which consist of a majority of the Board of Directors, shall meet in a prearranged manner to discuss school business, without proper notice to the public of a regular or special meeting, and, only the votes of the Board of Directors shall be valid and binding.

Section 11. Other Advisory Councils. The Board of Directors may, at its discretion, also consider recommendations of associations, supporting organizations or advisory councils which are not part of the Board of Directors, such as those of parents or other groups.

Section 12. Removal of Directors. Any Director may be removed, with or without cause, at any time.

Section 13. Resignations and Vacancies. Any Director may resign by tendering a written resignation to the Board of Directors. The resignation shall be effective upon receipt of the resignation by an officer of the Board or, if later, upon the date specified by the Director in his/her resignation. Vacancies in the Board of Directors shall be filled in accordance with

Section 5 of this Article II.

Section 14. Powers of Directors. The policies of the Corporation shall be directed by the Board of Directors in accordance with the law. Subject to the provisions of Ohio law in general, the Ohio Nonprofit Corporation Law, the Articles, and these Regulations of the Corporation, the Board of Directors shall do and perform every act and thing whatsoever which it shall deem necessary, expedient or advisable to carry out the purposes of the Corporation.

Section 15. Honorary Directors. Any individual, whether an emeritus Director or not, who has provided extraordinary service to the Corporation over a period of time, may be honored with the title "Honorary Director" at the discretion of the Board. Honorary Directors are elected for life, are not voting members of the Board and are permitted but not required to attend meetings. The title of an Honorary Director may be revoked by a vote of the Board of Directors in accordance with Section 12 of this Article.

Section 16. Summit Academy Management. Under the terms of the Code of Regulations and other governing documents for Summit Academy Management, an Ohio non-profit corporation ("SAM"), the Corporation, along with the other Summit Academy Schools serving as members of SAM, has the right to appoint certain individuals to serve as members of the Board of Directors of SAM. In connection with any such appointment, the Board of Directors may, by resolution, authorize and appoint one (1) or more Directors or officers of the Corporation to vote or otherwise act on behalf of the Corporation with respect to the appointment of members of the SAM Board by the Corporation and the other Summit Academy Schools serving as members of SAM. Any such authorization and appointment may be revoked at any time by resolution of the Board of Directors of the Corporation.

### ARTICLE III OFFICERS

Section 1. Number, Title and Election. The officers of the Corporation shall consist of a President, Vice President, Secretary, and Treasurer and may include such other officers and assistant officers as the Board of Directors shall deem advisable, each of whom shall be elected by the Board at the annual meeting of the Board. Officers shall hold office for a term of one year, or until their successors are elected and qualified, except in the event of their earlier death, resignation or removal. All officers shall be elected from the Board of Directors of the Corporation, except the Treasurer and Secretary, who may or may not be Directors.

Section 2. Vacancies. A vacancy in any office because of death, resignation or removal of an officer shall be filled by the Board of Directors for the unexpired term of such office.

Section 3. Resignation or Removal of Officers. An officer of the Corporation may resign at any time by tendering his or her resignation in writing to the Board of Directors and such resignation may become effective immediately upon its delivery to the Board. An officer of the Corporation may be removed at any time, with or without cause, by the Board of Directors. The election or appointment of an officer for a term of office shall not be deemed to create contract rights.

Section 4. President. The President shall preside at all meetings of the Board and shall coordinate the activities directed by the Board of Directors and shall oversee the actions of the Corporation subject to the policies and goals established by the Board of Directors.

Section 5. Vice President. The Vice President shall perform the duties of the President when the President is absent, and all other duties as may be assigned by the Board of Directors or the President.

Section 6. Secretary. The Secretary shall be responsible for providing notice of meetings to the Board of Directors where notice is required, and to the public for the matters concerning the public school, and shall keep or approve a record of the proceedings of the Board of Directors, and shall perform other duties as may be required by the Board of Directors or the President. The Board of Directors may contract with a third party to carry out part or all of the Secretary's duties, pursuant to a vote of the Board of Directors.

Section 7. Treasurer. The Treasurer shall act as, or in conjunction with, the fiscal officer or fiscal agent of the Corporation and shall have custody of the cash, securities, and other assets of the Corporation. The Treasurer shall receive contributions, bequests, revenues, and other assets to which the Corporation is entitled and disburse funds as directed by the Board of Directors. The Treasurer shall maintain or approve appropriate books of account and supporting records and shall prepare or approve and file all returns and related reports required by federal and state statutes and regulations and shall perform other duties as may be required by the Board of Directors or the President. However, notwithstanding the fact that the Corporation has named a person to serve as its Treasurer, the Board of Directors may contract with a third party to provide for part or all of the Treasurer's responsibilities, subject to a vote of the Board of Directors. The Board may require a bond in any amount, at its discretion or as directed by law, and the cost of the bond or bonds shall be paid for by the Corporation.

ARTICLE IV  
INDEMNIFICATION OF DIRECTORS, OFFICERS, EMPLOYEES, AND AGENTS

Each person who at any time is or shall have been a Director, officer, employee or agent of the Corporation, or a Director member of the Governing Board of the school, and such person's heirs, executors and administrators, shall be indemnified by the Corporation, both during and after their association with the Corporation, for those acts or omissions concerning the Corporation, in accordance with and to the full extent permitted by the Nonprofit Corporation Law of the State of Ohio as in effect at the time of the adoption of these Regulations or as amended from time to time thereafter. The foregoing right of indemnification shall not be deemed exclusive of other rights to which any Director, officer, employee, agent or other person may be entitled in any capacity as a matter of law or under any regulations, agreement, vote of Directors, or otherwise. As authorized by the Board of Directors, the Corporation may purchase and maintain insurance against liability on behalf of any such person to the full extent permitted by law in effect at the time of the adoption of these Regulations or as changed from time to time.

ARTICLE V  
CONTRACTS BETWEEN CORPORATION AND RELATED PERSONS

To the greatest extent allowed by Ohio law and, while operating as a public Ohio community school specifically subject to the limitations and restrictions imposed on public officers, any contract or other transaction between this Corporation and one or more of its Directors, or between this Corporation and any entity of which one or more of this Corporation's Directors are interested, whether such Director is a member of the Governing Board of the school or not, shall be valid for all purposes, notwithstanding the presence of such Director at the

meeting at which the Board of Directors of the Corporation acts upon, or in reference to, such contract or transaction, and notwithstanding the participation of the Director in such action, if the fact of such interest shall be disclosed or known to the Board of Directors, and the Board of Directors nevertheless, authorize, approve or ratify such contract or transaction by a vote of a majority of the Directors present. Unless Ohio law otherwise prohibits or permits, the interested Director may be counted in determining whether a quorum is present, but may not be counted in voting upon the matter or in calculating the majority of such quorum necessary to carry such vote. This Article shall not be construed to invalidate any contract or other transaction which would otherwise be valid under the common and statutory law applicable thereto.

ARTICLE VI  
BOOK AND RECORDS

The Corporation shall keep correct and complete books, records and minutes of the Board of Directors' meetings, and, so long as required by Ohio law, during the time when the Corporation is functioning as a public school, such books and records shall be public records. The Secretary of the Corporation shall keep an accurate list of the names and addresses of the Board of Directors.

ARTICLE VII  
AMENDMENTS

These Regulations may be amended by a majority of all of the Board of Directors.

**Exhibit A**

**Directors**

<b>Director</b>	<b>Term</b>
<b>Amber Bodrick</b>	3 years
<b>Kimberly Straniak</b>	3 years
<b>Angela Lee</b>	3 years
<b>Kendra Godiciu</b>	3 years
<b>Joe Gagliano</b>	1 year

**Appendix 145-A**

**Media Release Consent Form**

The School's students will be participating in many activities and will be getting attention from sources interested in public community schools and our progress. Please sign this Media Release authorizing this School to publish your child's photo and/or name for the limited uses for public relations and media purposes. The School will not release photos resulting from disciplinary actions.

I hereby consent to the above.

\_\_\_\_\_

Parent

\_\_\_\_\_

Date

\_\_\_\_\_

Parent

\_\_\_\_\_

Date

## Appendix 147-A

### AVAILABILITY OF PUBLIC RECORDS

1. ANY PERSON MAY INSPECT OR OBTAIN COPIES OF PUBLIC RECORDS MAINTAINED BY THE SCHOOL DURING REGULAR BUSINESS HOURS OF THIS OFFICE.
2. NO STUDENT DIRECTORY INFORMATION WILL BE PROVIDED TO ANYONE FOR USE IN A PROFIT-MAKING ACTIVITY.
3. THE SCHOOL'S FEE FOR PROVIDING COPIES OF PUBLIC RECORDS IS \$0.05 PER PAGE, WHICH MUST BE PAID PRIOR TO OBTAINING THE COPIES.
4. IF THE SCHOOL DENIES A REQUEST FOR INSPECTION OR COPIES OF PUBLIC RECORDS, THE SCHOOL WILL PROVIDE THE REQUESTOR AN EXPLANATION FOR THE DENIAL. THE EXPLANATION WILL BE PROVIDED IN WRITING IF THE REQUEST FOR PUBLIC RECORDS WAS SUBMITTED IN WRITING.
5. EXCEPT AS REQUIRED BY FEDERAL OR STATE LAW, A REQUEST FOR PUBLIC RECORDS DOES NOT NEED TO BE SUBMITTED IN WRITING, OR DISCLOSE THE REQUESTOR'S IDENTITY; HOWEVER, SUBMITTING A REQUEST IN WRITING AND IDENTIFYING THE REQUESTOR FREQUENTLY MAKES IT MORE LIKELY THAT THE SCHOOL WILL BE ABLE TO IDENTIFY, LOCATE, AND DELIVER THE PUBLIC RECORDS BEING REQUESTED.
6. IF THE SCHOOL IS UNABLE TO SATISFY A REQUEST FOR PUBLIC RECORDS BECAUSE THE REQUEST IS AMBIGUOUS, OVERBROAD, OR FAILS TO REASONABLY IDENTIFY WHAT PUBLIC RECORDS ARE BEING REQUESTED, THE SCHOOL MAY DENY THE REQUEST AND EXPLAIN TO THE REQUESTOR THE MANNER IN WHICH THE SCHOOL MAINTAINS AND ACCESSES ITS RECORDS.
7. THIS POSTER IS A GENERAL DESCRIPTION OF THE PUBLIC RECORD POLICY ADOPTED BY THE SCHOOL'S GOVERNING AUTHORITY. IN THE EVENT OF A CONFLICT BETWEEN THE STATEMENTS CONTAINED IN THIS POSTER AND THE SCHOOL'S PUBLIC RECORD POLICY, THE PROVISIONS OF THE PUBLIC RECORD POLICY WILL PREVAIL.

## REQUEST TO REDACT PERSONAL INFORMATION

*Under paragraph 149.45(C)(1) of the Ohio Revised Code, an individual may request that a public office or a person responsible for a public office's public records redact specified types of personal information of that individual from any record made available to the general public on the internet. An individual who makes a request for redaction "shall...provide any information that identifies the location of that personal information within a document that contains that personal information " O.R.C 149.45(C)(1) If redaction is not practicable, the public officer or person responsible for the public office's public records shall verbally or in writing within five business days after receiving the written request explain to the individual why the redaction is impracticable O.R.C 149.45(C)(3)*

I, \_\_\_\_\_, request that the office of  
*(print full name)*

redact the following items of personal information from being made available to the general public on the Internet:

*(Please check all that apply)*

- Social security number
- Tax identification number
- Driver's license number
- State Identification number as issued by the Ohio Bureau of Motor Vehicles
- Checking account number
- Savings account number
- Credit card number

*For each item of personal information checked above, please identify the location of that information within any record made available by this office to the public on the Internet:*

Document Title and Description:
Specific Web Address (URL):
Location of Information Within Document:

(Use the back of this form to identify additional locations of personal information items)

Signature of Requester: \_\_\_\_\_

The public office may need to contact you;

- 1) To request additional information to locate your specific personal information to be redacted or to identify the appropriate public office responsible for redacting your personal information.
- 2) To provide you with an explanation within five (5) business days after receiving your written request, if a requested redaction is impracticable. Please provide contact information below, or indicate that you will contact this office to receive any explanation. This form is a public record, and the information you provide may be released in response to a public records request.

• \_\_\_\_\_ Address:  
Telephone Number: (\_\_\_\_) \_\_\_\_\_ E-mail address: \_\_\_\_\_

I do not wish to provide contact information. I will contact the office for any explanation.

Date Request Received \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ (To be completed by the public office)

Document Title and Description:
Specific Web Address (URL):
Location of Information Within Document:

Document Title and Description:
Specific Web Address (URL):
Location of Information Within Document:

Document Title and Description:
Specific Web Address (URL):
Location of Information Within Document:

Document Title and Description:
Specific Web Address (URL):
Location of Information Within Document:

Document Title and Description:
Specific Web Address (URL):
Location of Information Within Document:

Document Title and Description:
Specific Web Address (URL):
Location of Information Within Document:

## **Appendix 147-C**

### **Sealed Records**

At the discretion of a court, records of certain offenses, convictions, and adjudications may be sealed against public release. Upon the School's receipt of either (1) a valid court order sealing records, or (2) the written request and a copy of a valid judicial order in which records are sealed, the School shall expunge any records in its possession relating to the subject matter protected from disclosure by court seal.

Regardless of a court order to seal a record, the School may maintain records regarding an adjudication of an individual as a delinquent child if those records were the basis of an individual's permanent exclusion from the School.

Inspection of sealed records shall be limited to the extent required by federal and state law. Individuals with access to records shall not knowingly release or disseminate any sealed records to unauthorized parties.

Sealed and/or expunged offenses may still appear on the results of any criminal records check. If the sealed and/or expunged offense is a disqualifying offense that is not eligible for rehabilitation, then the School shall not employ that individual.

## Appendix 147.1-A

### Records Retention Schedule

This Policy applies to all records of the School. Its purpose is to properly manage records retention and eventual disposal for both electronic and non-electronic records in order to comply with all applicable statutes, regulations, and other legal requirements, and the guidelines set forth in the following Records Retention Schedules.

Overall administration of this Policy shall be the responsibility of the Principal.

The following records retention schedule was guided by three general objectives:

1. Documenting compliance with statutory and regulatory requirements;
2. Protecting the business from future litigation; and
3. Reducing the cost of operating a business by appropriately managing space requirements.

#### **Employment Records**

1	<p><u>Selection, Recruitment and Hiring Records.</u> All personnel records or employment records, including job applications, resumes, or other hiring records for employees hired and not hired and job inquiries; advertisements or notices to the public regarding openings; promotions; training opportunities; opportunities for overtime; promotion, demotion, transfer, termination decisions; refusal to hire or re-hire documents; job orders placed with employment agencies for recruitment; candidate test papers and results; physical examination results; job aids; internal notices relating to job openings or training opportunities.</p>	7 years from date of application, personnel action or termination, whichever is longer
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- a. Age Discrimination in Employment Act (ADEA), 29 U.S.C. 626(a) and 29 CFR 1627.3 – must keep records one year from date of creation or date of personnel action, whichever is longer;
- b. American with Disabilities Act (ADA), 29 CFR 1602.14 – must keep records one year from date of personnel action;
- c. Civil Rights Act of 1964, 42 U.S.C. 2000e-8 and 29 CFR 1602.14, 29 CFR 1602.21 and 29 CFR 1602.7 – for employers with 15 employees or more, must keep records one year from date of application or date of personnel action, whichever is longer;
- d. Executive Order 11246/OFCCP apply to Federal contractors – must keep records pertaining to hiring criteria – for employer with 150+ employees, for two years – if less than 150 employees, for one year;
- e. Uniform Guidelines on Employee Selection Procedures, 29 CFR 1607.4 – must keep records regarding impact of the employer's hiring practices, including number of persons hired, number of applicants, and the selection criteria utilized, etc., for two years after a determination of an adverse impact;
- f. Statute of limitations for statutory liability actions in Ohio is six years under R.C. 2305.07. Under Ohio law, charges of employment discrimination are brought under R.C. 4112.01, et seq., which requires an aggrieved party to first exhaust his/her administrative remedies before filing a lawsuit; however, there are exceptions which would trigger R.C. 2305.07 and the six years statute.

2	<p><u>Employee Compensation Records.</u> Payroll information; rate of pay; compensation earned each week hours worked and certificates and notices of the Wage and Hour Administrator; collective bargaining agreements; individual contracts; time cards; payroll reports; wage rate tables; work schedules; purchase, shipping, and billing records; pay deductions or additions (bonuses); merit pay; description of pay differentials; cost determination records; vouchers for any payments to employees; job evaluations; seniority systems; age certificates; applications for disability benefits; unemployment claims; job descriptions and merit descriptions; and substitute records</p>	7 years after personnel action or termination, whichever is longer
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- a. ADEA, 29 U.S.C. 626(a) – three years for payroll records or other records containing employee name, address, and date of birth;
- b. Older Worker Benefit Protection Act 29 U.S.C. 626(a) and 626(f) – three years for payroll information;
- c. ADA, 29 CFR 1602.14 – one year – medical records must be kept separately from personnel file;
- d. Civil Rights Act of 1964 – one year for apprenticeship records – limitation period for other records varies - maximum six years under R.C. 2305.07;
- e. Davis Bacon Act, 29 CFR 5.5 – three years for payroll records containing name, address, job classification, rate of hourly, daily and weekly pay, rates of contributions or costs anticipated for fringe benefits – for apprentices, must maintain written evidence of the registration of the apprenticeship programs for three years after completion of contract;
- f. Employee Polygraph Protection Act, 29 CFR 801.30 and 29 CFR 201.35 – three years from date of test;
- g. Equal Pay Act, 29 U.S.C. 206(d) and 29 CFR 1620.32 – two years for wage rates, job evaluations and descriptions, merit or seniority systems and other descriptions;
- h. Executive Order 11246/OFCC P Rules – two years for Federal contractors with over 150 employees, and one year for Federal contractors with less than 150 employees;
- i. Fair Labor Standards Act (FLSA), 29 U.S.C. 211, 29 CFR 516.5 and 516.6 – must maintain name, job symbol, address, date of birth, occupation, information about hourly rate, hours worked each day, total weekly straight time, earnings, overtime, additions or deductions to wages, dates of payment or pay period, and purchase and sales orders for three years for hourly employees. Employer must keep basic earnings card, wage rate tables, work time schedule and customer order and invoices for two years. Employer must keep age certificates for minor employees until the date of termination of employment of a minor;
- j. Family and Medical Leave Act (FMLA), 29 CFR 825.50 – must keep detailed pay rate and employee identification, date of birth, designation of leave dates, hours of FMLA, and notices regarding FMLA for three years. Medical records must be kept confidential and separate from personnel records;
- k. Federal Unemployment Tax (FUTA) – annual records showing total wages for each employee, amount of taxable pay, etc. – four years after tax is paid under Treas. Reg. 1.6001-1. However, the information can be used to support the employer's tax records, and the statute of limitations for non-payment or underpayment of taxes in some instances can be extended beyond the normal three years to six years for civil or criminal violations, IRC 6501 et seq. Therefore, it is recommended that the records be kept for six years plus the current year;
- l. Internal Revenue Code – records about employees, their Social Security numbers, and records for remuneration must be kept for six years, plus the current year, as explained above.
- m. Social Security Act – four years, although it is recommended that the records be kept for six years, plus the current year, as explained under FUTA above;
- n. FICA – six years as explained under FUTA above;
- o. Ohio statute of limitations for actions charging violation of wage and hour laws and minimum wage is two years from the date the cause of action accrues.

3	Immigration I-9 Forms	3 years after hire or 1 year after termination, whichever is longer
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- a. Immigration Reform and Control Act, 8 CFR 274a(2)(A) – must keep separate from personnel file.

4	Employee Benefit Plan Documents and Collective Bargaining Agreements	Until expired or superseded, plus 8 years
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- a. ADEA, 29 U.S.C. 676 – must keep employment benefit plans until they expire or are superseded, plus one year;
- b. Statute of limitations for bringing actions under ERISA for breach of fiduciary duties is six years. There is no specific statute of limitations for ERISA actions other than breach of fiduciary duties (i.e., benefits), but courts typically apply the most analogous state statute. The statute of limitations for bringing an action on a written contract under Ohio law is eight years;

- c. Health Insurance Portability and Accountability Act (HIPAA) – must keep employee medical records for six years from the date of creation or date when record was last in effect, whichever is later.

5	Pension and welfare benefit records to determine eligibility for benefits	Keep as long as needed to determine eligibility – for 8 years after termination based on contract claims for participants and indefinite for beneficiaries
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- a. Employee Retirement Income Security Act Section 209, 29 U.S.C. 1059;  
 b. Employee Retirement Income Security Act Section 107, 29 U.S.C. 1027 – six years for records supporting matters disclosed on any filing; ERISA Section 413 governs actions for breach of fiduciary duties – these actions must be brought within six years of last action constituting the breach or three years after the discovery of the breach. ERISA does not specify a limitation period for other actions but most courts rely on the most analogous state statute of limitations. The Ohio statute for a contract action is eight years.

6	COBRA related documents	Keep as long as particular employee is covered by COBRA, plus follow periods under #5 above
7	Occupational Safety and Health Act (OSHA work-related injuries)	a. OSHA 200 or 300 log – must be logged within 2 days, must be retained for 5 years b. OSHA 101 or 301 report – retain for 5 years c. Form 300A – totals for the calendar year – retain for 5 years.
8	OSHA Employee medical records pertaining to work-related conditions, including those prepared by outside doctors	Keep for length of employment, plus 30 years
9	Additional Employer-Specific OSHA requirements (i.e., noise, chemicals, etc.)	Must consult OSHA regulations
10	Public Employment Risk Reduction Program (PERRP)	5 years following the year that records cover
11	Form EEO-1 (Employers with 100 or more employees)	Copy of most recent report for each reporting unit must be retained always be retained

**Building and Operational Records**

1	School Emergency Management Plan (not a public record)	Until superseded, plus 8 years
2	Tornado and fire drill records	1 year
3	Building health inspections	Until superseded, plus 2 years
4	Environmental reports and data (asbestos, etc.)	4 years
5	Asset inventory	Until superseded
6	Repair, installation, and maintenance records	8 years
7	Equipment warranty/guarantee	Life/warranty of equipment or 8 years, whichever is longer
8	Vehicle registration	Life of vehicle, plus 1 year
9	Transportation records, vehicle records	4 years

10	Staff and student handbooks	Until superseded, plus 1 year
11	Administrative regulations or procedures	Until superseded, plus 1 year
12	School calendars	2 years
13	Field trip forms, volunteer driver forms	2 years

**Tax and Business Records**

1	Depreciation schedules and documents supporting depreciation decisions	Must keep for entire period of depreciation, plus 7 years
2	Capital gain and all documents supporting taxpayer's determination of basis, including receipts, purchase orders, invoices, etc.	Must keep for full period that property is maintained, plus 7 years
3	Federal, state, and local tax returns, and any documents supporting the returns, tax audits, and adjustments	7 years

- a. IRC 6501(a) and 6501(e) govern the limitation period under the Internal Revenue Code – three to six years;
- b. Ohio's limitation period is four years.

4	Monthly trial balances, worksheets, accounts payable, receivables	Keep at least 7 years. Some records may have to be kept longer depending on the type of documents they support
5	Receipts, deposit slips, budget/appropriation records, sales records	4 years
6	Annual Reports - Audit Reports, Ledgers	Permanent
7	Payroll Earning Records, W-4's and 1099 Misc.	7 years
8	Worker's Compensation	10 years after financial payment made

- a. Federal recommendation Treas. Reg. 1.6001-1 – four years;
- b. Statute of limitation period for tax collection is three to six years;
- c. Ohio limitation period is four years.

9	State and federal grant files	10 years
10	Food service records – menus, food production, milk sold, students served, cash register tape, daily reports, free and reduced lunch reports, inventories,	4 years
11	Unsuccessful bids and specifications	1 year
12	Purchase orders, invoices, successful bids, agreements, contracts, leases, rental information (use of facilities), notes	8 years after expiration date

- a. The limitations period for written contracts under Ohio law is now eight years, therefore any document that would support a contract must be kept for the length of the contract plus the limitation period.

13	Minute books, agendas, charter, by-laws, etc.	Permanent
14	Board Meeting Notes	Until superseded
15	Board policy books and other adopted policies	Until superseded, plus 1 year
16	Correspondence	Depends on the underlying reasons for the correspondence. If it supports a contract, keep for 8 years. If it is simple, ordinary course, keep for 4 years.

17	Deeds, bills of sale, blueprints, capital stock certificates	Permanent
18	Trademarks, registrations, and copyrights	Permanent
19	Court decisions, claims, and litigation documents	Permanent
20	Civil rights, civil services, and disciplinary reports	Permanent
21	Insurance policies	15 years after expiration, provided all claims settled
22	Record disposal forms	10 years

### **Student Records**

Student records are not public records because the release of these records is prohibited by the Family and Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g. However, the School retains student records under the following schedule. If a student transfers to another school, the School shall maintain student records according to this schedule.

Notwithstanding any time listed in the retention schedule, a record may not be destroyed if there is an outstanding student or parent request to inspect the file. *See* 34 CFR 99.10(e).

1	Student enrollment records, applications, birth certificates, withdrawal, and attendance records	1 year from withdrawal or graduation
2	Grades and transcripts, activities records, individual test results, foreign exchange records, and disciplinary records	If student graduates from this School, permanently. If student withdraws before graduation, for 1 year after records are transferred.
3	Free and reduced price lunch application	4 years
4	Student emergency information, health/medical records, accident reports	2 years after withdrawal or graduation from the School
5	Records of students receiving services under IDEA: name, address, telephone number, grades, attendance record, intervention records, classes attended, grade level completed, year completed, all due process or other notices, and all IEPs or other plans	2 years after students expected date of graduation from any school

- a. 34 CFR 300.573, OAC 3301-51-04 – school must inform parent when personally identifiable information that was collected, maintained, or used under Part B of IDEA is no longer needed and when it is destroyed

### **Investigations**

Records subject to an investigation or the subject of a claim must be retained for as long as the claim or the investigation remains pending and can thereafter only be discarded after consultation with legal counsel.

### **Storing E-mail Records**

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

In order to ensure that someone in the corporation takes responsibility for maintaining the e-mail records during the retention period, the corporation shall choose one of the following procedures:

1. The individual who sends an e-mail maintains the “record” copy. If an e-mail is received from someone outside the organization, the recipient should retain it.
2. A mailbox is for individuals sending out email to copy (cc) when email is sent.

## Appendix 148.8-A

### Methods of Procurement Using Federal Grant Funds

In accordance with applicable federal law, the School shall use the following methods of procurement to expend federal funds:

- A. Micro-Purchase: This method of procurement shall be appropriate for purchases where the aggregate dollar amount does not exceed \$3,500. When practicable, the School shall distribute micro-purchases equitably among qualified suppliers, including small businesses and minority and women owned enterprises.
- B. Small Purchase: This method of procurement shall be appropriate for purchases in excess of \$3,500, but less than the federal Simplified Acquisition threshold, which currently is \$150,000. When making small purchases, the School shall obtain price or rate quotes from an adequate number of sources.
- C. Sealed Bids: This method of procurement shall be appropriate for purchases over the Simplified Acquisition Threshold, or \$150,000, when: (1) a complete, adequate, and realistic specification or description of goods or services is available; (2) at least two responsible bidders are available and willing to compete for the business; (3) selection will be made principally on price; and (4) a firm fixed price contract will be awarded. The School shall award the fixed price (lump sum or unit price) to the responsible bidder who conformed to all material terms and is the lowest in price.
- D. Competitive Proposals: This method of procurement shall be appropriate for purchases over the Simplified Acquisition Threshold, or \$150,000, that require a formal solicitation and fixed-price or cost-reimbursement contracts. The School shall award contracts to a responsible vendor whose proposal is most advantageous to the School and is used when sealed bids are not appropriate, for reasons not limited to circumstances where the lowest price is not a sufficient deciding factor.
- E. Noncompetitive Proposals or Sole Source Solicitations: This method of procurement is only appropriate under limited circumstances and shall be used by the School sparingly. Sole source solicitation may be appropriate when an item is available only from one source, when a public emergency does not allow for the time of the competitive proposal process, or when a number of attempts at a competitive bidding process fail.