YOUNGSTOWN CITY SCHOOL DISTRICT BOARD OF EDUCATION MEETING
Work Session
Tuesday, March 1, 2016
5:00 p.m.
20 W. Wood Street - Board Room
Youngstown, Ohio 44503

I. ROLL CALL

Brenda Kimble  Michael Murphy  Jacqueline Adair  Dario Hunter  Corrine Sanderson  Ronald Shadd  Jerome Williams

II. PLEDGE OF ALLEGIANCE

III. DISCUSSION

Finance:
Chair: Michael Murphy
Administration: Sherry Tyson
- E-Rate
- Cash Fund Statement

Extra Sports Curriculum:
Chair: Michael Murphy
Administration: Ed Matey
- East HS Weight Room
- Concussion Testing
- Full Time Athletic Trainer
- Signs for Stadium

Business:
Chair: Jerome Williams
Administration: Harry Evans
- Vacant Property

Curriculum:
Chair: Ronald Shadd
Administration: Timothy Filipovich
- 1 to 1 Technology Update for Chaney and REC
- Credit Recovery Information and Summer School Update
- Challenges and Opportunities Around Students Returning to District
- Textbook Guidance
- Graduation Rate by Student Subgroups and Annual Measurable Objectives (AMOs)
- During School and After School Programs Overview

Time Allocated:

Finance: 15 mins.
Extra Sports Curriculum: 15 mins.
Business: 10 mins.
Curriculum: 15 mins.
Personnel:  
Chair: Corrine Sanderson  
Administration: Dr. Milton Walters

Policy:  
Chair: Jacqueline Adair  
Administration: Judith Hatchner

• Notes for Board Policies  
• Policy 2461 – Recording of District Meetings Involving Students and/or Parents (Revised)  
• Policy 5517.02 – Sexual Violence (New)  
• Policy 7510 – Use of District Premises (Revised)  
• Robert’s Rules

IV. ADJOURNMENT

MOTION ___________  SECOND ___________

Brenda Kimble  Michael Murphy  Jacqueline Adair  Dario Hunter  Corrine Sanderson  Ronald Shadd  Jerome Williams

APPROVED _____  FAILED _____  ___________ to ___________
Notes for Board Policies
Under Consideration for Board Adoption

Policy 2461 – Recording of District Meetings Involving Students and/or Parents (Revised)

In order to create a consistent rule regarding parents recording meetings with school district personnel, Policy 2461 has been revised to include rules about recording 504 team meetings and other district meetings (such as parent-teacher conferences). To address the changing technology and respond to issues that have arisen in some school districts, Policy 2461 has been further revised to include a prohibition against covert recordings, such as by placing a recording device on a student or in a book bag.

Policy 5517.02 – Sexual Violence (New)

Guidance from the Office for Civil Rights directs federal funding recipients to take very specific steps in investing and responding to sexual violence allegations. Although OCR’s regulations appear to focus on postsecondary learning institutions, they apply to public school districts as well. The guidance does not explicitly mandate a separate policy dealing with sexual violence, but the level of detailed compliance OCR demands compels a separate policy and administrative guideline. Further, several recent high-profile OCR decisions imposing liability on universities emphasized missing or inaccurate policy elements.

Policy 7510 – Use of District Premises (Revised)

Ohio Revised Code Sections 3313.75 through 3313.78 were amended by House Bill 290 to replace all references to “schoolhouses, facilities, and school grounds” with the term “school premises.” “This new term is defined to include “all indoor and outdoor structures, facilities, and land owned, rented, or leased by a school or school district.” Additionally, the Bill amended the above-referenced laws to include the following terms: 1) “General Public” — which refers to members of the community, and includes both students (during non-school hours) and employees of a school district (when not working in the scope of their employment); 2) “Nonschool Hours” — which refers to: a) any time prior to and after regular classroom instruction on a day that school is in session; b) any day that school is not in session, including weekends, holidays, and vacation breaks; and 3) “Recreational Meetings and Entertainments” — which refers to all indoor or outdoor games or physical activities, either organized or unorganized, that are undertaken for exercise, relaxation, diversion, sport, or pleasure.”
The Bill also enacted new Section 3313.791 to provide boards of education and their employees acting within the scope of their employment with qualified immunity from liability. While boards of education and their employees currently have general immunity under the Political Subdivision Sovereign Immunity Law (chapter 2744), the new law specifically provides immunity from liability for injury, death, or loss to person or property allegedly arising from the use of school premises by others.

In light of the new definitions, Board Policy 7510 – Use of District Facilities and the corresponding guidelines and forms were revised to reference the broader terms of "school premises" or "premises" rather than the term "facilities." Additionally, the policy, guidelines and forms were revised to include reference to the terms "non-school hours" and "recreational meetings and entertainment" where appropriate.

Although the documents were not specifically revised to include references to the new qualified immunity provision, the forms and regulations were amended to ensure that applicants were informed of their obligation to indemnify and hold harmless board of education and their employees, and obtain appropriate liability insurance related to the use of school premises. Additionally, based on a review of information distributed by Liberty Mutual Insurance Company regarding the potential liabilities associated with the use of school premises by outside persons and entities, the applications and regulations were revised to provide that such persons and entities were informed of the obligations and risks associated with their use of school premises for various activities and programs.

With the exception of the recommended changes identified in the preceding paragraph, the revisions to these documents reflect the current state of the law and should be adopted to maintain accurate policies/guidelines/forms.
DISTRICT MEETINGS INVOLVING STUDENTS AND/OR PARENTS

Recording of IEP Team and 504 Meetings

In order to facilitate parents’ ability to fully participate in the IEP and/or 504 process, parents of students with disabilities are ordinarily permitted to audio record IEP Team meetings and 504 Team meetings in accordance with the following procedures:

A. Parents wishing to audio record an IEP Team meeting or 504 Team meeting must utilize their own recording device and provide notice to the District prior to the date of the scheduled IEP Team or 504 Team meeting.

B. If a parent(s) elects to audio record an IEP Team meeting, the District will also record the meeting.

Recording of Other District Meetings Involving Students and/or Parents (e.g., Parent-Teacher Conferences)

Parents are permitted to audio record meetings with the District provided they notify the District prior to the date of the scheduled meeting of their intent to record the meeting. If a parent provides the requisite notice and is permitted to audio record the meeting, s/he must use his/her own recording device and the District will similarly record the meeting.

Video recording any District meeting is strictly prohibited.

Parents and students are expressly prohibited from using covert means to make a recording (audio or video) of any meeting or activity at school. This includes placing recording devices within a student’s book bag or on the student’s person.

If the District audio records any meeting, the resulting recording shall become a part of the student’s educational record and will be maintained in accordance with State and Federal law.

Date of Adoption: 8/28/07
Revised: 4/24/11
Revised:
SEXUAL VIOLENCE

The Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or transgender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its education programs and activities. The Board is committed to maintaining an education and work environment that is free from all forms of unlawful harassment, including sexual harassment.

Sexual harassment, including sexual violence, interferes with students’ rights to receive an education free from discrimination, and, in the case of sexual violence, is a crime. Pursuant to its Title IX obligations, the Board is committed to eliminating sexual violence in all forms and will take appropriate action against any individual found responsible for violating this policy. To further its commitment against sexual violence, the Board provides reporting options, an investigative and disciplinary process, and other related services as appropriate.

This policy applies to all student complaints, whether filed by a student, his/her parent, an employee, or a third party on the student’s behalf. It applies to all District operations, programs, and activities, as well as to unlawful conduct occurring on school property or during a Board-sponsored activity. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment.

Definitions

Sexual Harassment

As detailed further in Policy 5517, sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature. Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Examples include, but are not limited to:

A. unwelcome sexual propositions, invitations, solicitations, and flirtations;

B. unwanted physical and/or sexual contact;
C. threats or insinuations implying that a person’s conditions of education may be adversely affected by not submitting to sexual advances;

D. unwelcome sexual verbal expressions, including graphic sexual commentaries about a person’s body, dress, appearance or sexual activities; unwelcome sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;

E. sexually suggestive objects, pictures, videotapes, audio recordings or literature;

F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;

G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;

H. speculations about a person’s sexual activities or sexual history, or remarks about one’s own sexual activities or sexual history;

I. inappropriate boundary invasions into a student’s personal space and personal life; and

J. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Sexual Violence

Sexual violence, as used in this policy, refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the student’s age, intellectual or other disability, or use of drugs or alcohol).

Sexual violence includes rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sexual harassment and, in turn, sexual discrimination prohibited by Title IX.

Harassing conduct creates a hostile environment when it interferes with or limits a student’s ability to participate in or benefit from the school’s program. A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. For example, a single instance of rape is sufficiently severe to create a hostile environment.
Anti-Harassment compliance Officers

The Board designates the following individuals to serve as “Anti-Harassment Compliance Officers” for the District. They are hereinafter referred to as the “Compliance Officers.”

Lori Kopp
Director of Special Education
Youngstown City School District
(School District Title)
330-744-6965
(Telephone Number)
Youngstown Board of Education
20 West Wood Street
P.O. Box 550
Youngstown, Ohio 44501
(E-mail Address)

Dr. Milton A. Walters
Asst. Superintendent of Human Resources
Youngstown City School District
(School District Title)
330-744-6930
(Telephone Number)
Youngstown Board of Education
20 West Wood Street
P.O. Box 550
Youngstown, Ohio 44501
(E-mail Address)

The names, titles and contact information of these individuals will be published annually:

A. in the student, parent, and staff handbooks,

B. in the School District annual Report to the public,

C. on the School District’s website,

D. and/or are available upon request from the Superintendent’s Office.

The Compliance Officers are available during regular school/work hours to discuss Title IX questions, sexual violence concerns, and to assist students, other members of the School District community, and third parties. Compliance Officers shall accept sexual violence complaints directly from any members of the School District community or a visitor to the District, as well as those initially filed with a school building administrator. Upon receiving a
complaint, the Compliance Officer or designee will discuss confidentiality issues with the complainant (and his/her parent, if the complainant is a minor), and open an investigation as described below.

Compliant Procedures

Reporting

Students and Board employees are required, and parents, community members, and third parties are encouraged, to report sexual violence promptly to a teacher, administrator, supervisor, or other school official. Reports can be made orally or in writing, and should be as specific as possible. The person making the report shall identify the alleged victim, perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s). The District, however, will investigate and address all reports to the extent possible.

A student has a right to file criminal and/or Title IX complaints simultaneously. A student does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to sexual violence or any other Title IX concerns may also be filed with the U.S. Department of Education’s Office for Civil Rights.

Any teacher, administrator, supervisor, or other school employee or official who receives such a complaint shall file it with the District’s Compliance Officer within two (2) school days, and shall comply with his/her mandatory reporting responsibilities pursuant to R.C. 2151.412. The Compliance Officer will oversee the District’s investigation and response to any Title IX-related complaints, but s/he may delegate the investigative process to another individual (“Designee”). The Board reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy.

Confidentiality

The District respects students’ privacy and will only disclose information regarding alleged sexual violence to individuals who are responsible for handling the school’s response, the student’s parents (if the student is a minor or is considered a dependent under Section 152 of the Internal Revenue Code), or as otherwise required by law. During the course of a formal investigation, the Compliance Officer/designee will instruct all interviewees about the importance of maintaining confidentiality. Interviewees will be directed not to disclose any information that s/he learns or that s/he provides during the course of the investigation to third parties.
Students or their parents sometimes ask that the students’ names not be disclosed to the alleged perpetrators or that no investigation or disciplinary action be pursued to address the alleged sexual violence. Upon such a request, the Compliance Officer/designee will inform the student and his/her parent that honoring the request may limit the District’s ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. The official will also explain that Title IX includes protections against retaliation, and that school officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs.

Should the student or his/her parents continue to request complete confidentiality, the Compliance Officer/designee will balance the student’s privacy request with the District’s obligation to provide a safe and non-discriminatory environment for all students. Should the official determine that the District can honor the student’s or parent’s request and remain in compliance with its Federal and State obligations, the District may limit its investigation and/or formal action against the alleged perpetrator. The District will, however, take other action to address the sexual violence. This may include increasing monitoring and security, offering schedule changes, and conducting climate surveys.

If the Compliance Officer/designee determines that the District must disclose the student’s identity to an alleged perpetrator, s/he will inform the student and his/her parents prior to disclosure. The District will then afford interim protection measures to the student as appropriate.

**Investigation**

The District is committed to investigating all sexual violence complaints in an adequate, reliable, impartial, and prompt manner. The investigation will seek to determine whether the conduct occurred, and if so, what actions the school will take to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and remedy its effects.

The investigation may include:

A. interviewing the complainant, perpetrator, and any witnesses;

B. reviewing law enforcement investigation documents;

C. reviewing student and personnel files;

D. gathering and examining other relevant documents or evidence; and

E. providing a disciplinary hearing as needed.
The District affords both parties a balanced and fair process. Specifically, the complainant has the same rights throughout the proceeding as the alleged perpetrator. Both parties, for example, will have an equal opportunity to present relevant witnesses and other evidence at a disciplinary hearing. Likewise, the District's appeal process is available to both parties. The District, however, does not require complainants to be present for the hearing or appeal. Further, the District will not permit parties to personally question or cross-examine each other directly.

In resolving a complaint, the District uses a preponderance of the evidence standard, determining whether it is more than likely then not that sexual violence occurred.

**Timeline**

The Compliance Officer/designee must contact the student, if age eighteen (18) or older, or the student’s parents if under the age eighteen (18), within two (2) school days after receipt of a report of sexual violence to advise s/he/them of the Board’s intent to investigate the alleged misconduct. The Compliance Officer/designee will also inform the alleged perpetrator of the opportunity to submit a written response to the complaint with five (5) business days. The District’s investigation, including a disciplinary hearing process (but not appeal), may take up to sixty (60) calendar days to complete. This timeframe may be extended on a case-by-case basis, depending on the complexity and severity of the matter, criminal investigation requirements, and school breaks. During this period, the District will provide the complainant with periodic updates on the status of the investigation.

**Interim Measures**

During the investigation, the District will take interim steps to facilitate the complainant’s equal access to its education programs. These steps may include, but are not limited to: (1) notifying the complainant of his/her options to avoid contact with the alleged perpetrator; (2) allowing the complainant to change his/her academic, extracurricular, transportation, dining, and working situation as appropriate; and (3) informing complainant of other available resources, such as counseling, legal assistance, and victim advocacy. Specific interim measures will be considered and offered on a case-by-case basis.

**Notice**

Upon completing its investigation, the District will notify both parties in writing about the outcome of the complaint and any appeal. Specifically, the District will notify the complainant: (1) as to whether the investigation substantiated the allegations; (2) of individual remedies offered to the complainant; (3) of sanctions imposed on the perpetrator that directly relate to the complainant; and (4) other steps the District has taken to eliminate the
hostile environment and prevent recurrence. The alleged perpetrator will be notified of the investigation’s result and disciplinary consequence to him/her, if any. The District will not notify the alleged perpetrator about the individual remedies afforded to the complainant. All aforementioned notifications will comply with Federal and State privacy laws, including the Family Education Rights and Privacy Act (FERPA).

Remedies

The District will provide a prompt and equitable resolution. If the investigation substantiates the complaint, the District will take steps to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and remedy its effects. In addition to imposing disciplinary consequences on the perpetrator, the District will consider the following individual and global remedies, on a case-by-case basis.

A. providing medical, counseling, and academic support services to the complainant and/or perpetrator;

B. re-arranging schedules at the complainant’s request;

C. affording the complainant extra time to complete or retake classes without academic penalty;

D. reviewing any disciplinary proceedings against the complainant;

E. training or retraining employees;

F. developing materials on sexual violence;

G. conducting sexual violence prevention programs; and

H. conducting climate checks.

The District will not offer mediation in cases involving sexual violence. Disciplinary consequences against offenders may include suspension, expulsion, termination, and any other sanctions the Board deems appropriate. Any discipline meted out to offenders will comply with special education and Section 504 laws and regulations.

Appeals Process

Both complainants and perpetrators may appeal the outcome of the investigation. Any appeal opportunities afforded to the alleged perpetrator are also afforded to the complainant. Any party wishing to appeal the outcome of the investigation must submit a written appeal to the Board within ten (10) school days after receipt of the written notice of the outcome of the investigation. The Board shall, within twenty (20) work days, conduct a
hearing concerning the appeal. The Board shall provide a written decision to the appealing individual within ten (10) work days following completion of the hearing.

Retaliation

Federal law strictly prohibits retaliation against a complainant or witness. The District will inform complainant of this prohibition and direct him/her to report retaliation, whether by students or school officials, to the Compliance Officer. Upon learning of retaliation, school officials will take strong responsive action as appropriate.

Training

All staff will be trained so they know to report harassment to appropriate school officials. This training will include practical information about how to identify and report sexual harassment, including sexual violence. The training will be provided to any employees likely to witness or receive complaints involving sexual harassment and/or sexual violence, including teachers, school law enforcement unit employees or school resource officers, school administrators, school counselors, and health personnel. Further, school administrators responsible for investigating allegations of sexual harassment and sexual violence will be trained how to conduct such investigations and respond properly to such charges.

20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 ("Title IX"
20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)
42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964
42 U.S.C. 2000e et seq.
42 U.S.C. 1983
34 C.F.R. Part 106
Dear Colleague Letter on Sexual Violence (Office for Civil Rights, 2011)
OCR’s Revised Sexual Harassment Guidance (2001)

 Adopted:
USE OF DISTRICT PREMISES

The Board of Education believes that school premises should be made available for community purposes, provided that such use does not infringe on the original and necessary purpose of the property or interfere with the educational program of the schools.

For purposes of this policy, the terms “school premises” or “premises” refers to all indoor and outdoor structures, facilities, and land owned, rented, or leased by the Board. The term “non-school hours” refers to times prior to and after regular classroom instruction on a day that school is in session, and any day that school is not in session, including weekends, holidays, and vacation breaks.

The Board will permit the use of school premises when such permission has been requested in writing by a responsible organization or a group of at least seven (7) citizens and has been approved by the Chief of Operations and Business Affairs.

School premises shall be available for the below-listed uses. When there are competing interests, approval will be given according to the following priorities:

A. uses directly related to the schools and the operations of the schools (including giving instructions in any branch of education, learning, or the arts)

B. uses and groups indirectly related to the schools

C. meetings of employee associations

D. uses for voter registration and elections

E. departments or agencies of the municipal government

F. other governmental agencies

G. uses related to the public library, including a station for a public library or reading room

H. community organizations or groups of individuals primarily comprised of District residents/members of the community, including students (during non-school hours) and employees (when not working in the scope of their employment) formed or gathered for charitable, civic, social, religious, recreational (e.g., indoor or outdoor games or physical activities, either organized or unorganized, that are undertaken for
exercise, relaxation, diversion, sport, or pleasure), and/or educational purposes, provided such meetings and/or entertainment is nonexclusive and open to the general public.

School premises may be made available for commercial or profit-making organizations or individuals offering services for profit.

School premises shall also be made available to any certified candidate for public office and any recognized political party or organization for the purpose of conducting public discussions of public questions and issues. School premises shall be free of charge and available only during non-school hours. Users shall abide by all District policies, guidelines, and rules regarding the use of school premises and be liable for any damage incurred. Under no circumstances shall school premises be used to raise funds for political purposes.

The use of school premises shall not be granted for any purpose that is prohibited by law.

Should all or any part of the District’s community be struck by a disaster, the Board shall make school premises available, at no charge, for the housing feeding, and care of victims or potential victims when requested by local, State, or Federal authorities. The Superintendent should meet with the Mahoning County Disaster Service Management to establish a disaster preparedness plan in order to ensure that proper procedures are established to minimize confusion, inefficiency, and disruption of the educational program. (R.C. 5915.02-08)

The Superintendent shall develop administrative guidelines for the granting of permission to use school premises including a schedule of fees which, together with the costs used to determine such fees, must be approved by the Board. Such guidelines are to include the following:

A. Each user shall present evidence of the purchase of organizational liability insurance to the limit prescribed by District administrative guidelines.

B. Use of school equipment in conjunction with the use of school premises must be requested specifically in writing, and may be granted by the procedure by which permission to use school premises is granted. The users of school equipment must accept liability for any damage or loss to such equipment that occurs while it is in their use. Where rules so specify, no item of equipment may be used except by a qualified operator.

C. Users shall be liable financially for damage to the facilities and for proper chaperonage.
No liability shall attach to this District, or any of its employees and officers, specifically as a consequence of permitting access to school premises.

R.C. 3313.75 - .79, 3313.791, 3501.29
P.L. 98-377

Adopted: 8/24/04

Revised: