The Youngstown Board of Education met in regular session at the I.L. Ward Building on April 8, 2014. President Richard Atkinson called the caucus portion of the meeting to order at 5:30 p.m. Roll call was taken with the following board members in attendance:

Members present: Williams, Adair, Atkinson, Haire-Ellis, Kimble, Murphy, Shadd
Members absent: None

Board members discussed agenda items.

The caucus portion of the meeting adjourned at 5:57 p.m.

President Atkinson called for a motion to recess the caucus meeting for the purpose of a Public Hearing for the 2014-2015 Calendar/Days to Hours. The motion was moved by Ms. Adair and seconded by Mr. Murphy. On roll call vote the results were as follows:

Ayes: Williams, Adair, Atkinson, Haire-Ellis, Kimble, Murphy, Shadd
Nays: None

Motion carried.

Karen Green, assistant superintendent of human resources, presented the information regarding the changes.

President Atkinson called for a motion to exit recess. The motion was moved by Ms. Haire-Ellis and seconded by Ms. Kimble. On the roll call vote the results were as follows:

Ayes: Williams, Adair, Atkinson, Haire-Ellis, Kimble, Murphy, Shadd
Nays: None

Motion carried.

President Atkinson then called for a motion for executive session to discuss a personnel issue.
EXECUTIVE SESSION

At 6:11 p.m. Mr. Murphy moved, seconded by Ms. Kimble that board members adjourn to executive session to discuss the appointment, employment, dismissal, discipline, promotion, demotion or compensation of an employee or the investigation of charges or complaints against an employee, official, licensee or student, unless the employee, official, licensee or student requests a public hearing. On roll call vote the results were as follows:

Ayes: Williams, Adair, Atkinson, Haire-Ellis, Kimble, Murphy, Shadd
Nays: None

Board members exited executive session at 6:23 p.m.

President Atkinson called the regular portion of the meeting to order at 6:25 p.m. The meeting opened with the Pledge of Allegiance followed by a moment of silence. Roll call was taken with the following board members in attendance:

Members present: Williams, Adair, Atkinson, Haire-Ellis, Kimble, Murphy, Shadd
Members absent: None

STUDENT BOARD MEMBERS

Members present: None
Members absent: Chatman, Johnson, Mickel

APPROVAL OF AGENDA

As the first item of business, Mr. Atkinson called for a motion approving the agenda. Ms. Kimble moved that the agenda be approved as presented. It was seconded by Mr. Murphy. On roll call vote the results were as follows:

Ayes: Williams, Adair, Atkinson, Haire-Ellis, Kimble, Murphy, Shadd
Nays: None

Motion carried, and the agenda was approved as presented.

APPROVAL OF MINUTES

Ms. Kimble moved, seconded by Ms. Haire-Ellis that the minutes of the regular board meeting of March 25, 2014; the special board meeting of meeting of March 26, 2014 and the community informational meeting of March 18, 2014, be approved as presented. On roll call vote the results were as follows:

Ayes: Williams, Adair, Atkinson, Haire-Ellis, Kimble, Murphy, Shadd
Nays: None
Motion carried, and minutes were approved as presented.

COMMUNICATIONS/RECOGNITIONS

Doug Hiscox, deputy superintendent of academic affairs, recognized the Youngstown Foundation for their contribution of $60,000. towards funding the Quaglia Institute work in the District for next year.

The following Youngstown Early College students who earned A’s and B’s for the fall semester were recognized for their accomplishments:

- Skylar Berger
- Julianna Bresko
- John Fitzgerald
- Akeera Mitchell
- Shyla Montero
- Dez’Jheaun Nix

CITIZEN PARTICIPATION

Mr. Atkinson called for citizen participation. The following persons addressed the Board:

- Jimma McWilson Implementation of President’s Executive Order
- Delores Womack Length of time students have to adjust to in various areas of their day

Ms. Kimble moved, seconded by Mr. Murphy that the following treasurer’s recommendation be approved:

Ayes: Williams, Atkinson, Haire-Ellis, Kimble, Murphy, Shadd
Nays: Adair

Motion carried

TREASURER’S AGENDA

TO THE BOARD OF EDUCATION
APRIL 8, 2014

Treasurer James Reinhard presented the following item for approval:

Item 1 Recommend to the Board approval of Revised Five-Year Forecast
WHEREAS, Ohio Revised Code requires that boards of education file five-year forecasts with the Department of Education on an annual basis; and

WHEREAS, five-year forecasts are mandated to be filed if the forecasts change in a material manner as to expenses, revenues or ending balances during the course of the year in which it is required to have been filed;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of Youngstown City School District approves the attached five-year forecast and approves it for filing with the Ohio Department of Education as required by law.

Ms. Kimble moved, seconded by Mr. Murphy that the following superintendent’s recommendations, Items 1 through 10 (with the exception of Item 2 to be voted on separately) be approved:

Ayes: Williams, Adair, Atkinson, Haire-Ellis, Kimble, Murphy, Shadd
Nays: None

Motion carried
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<th></th>
<th>FY 2011</th>
<th>FY 2012</th>
<th>FY 2013</th>
<th>FY 14 projctn</th>
<th>FY 15 projctn</th>
<th>FY 16 projctn</th>
<th>FY 17 projctn</th>
<th>FY 18 projctn</th>
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<td>$3,000,001</td>
<td>$9,099,850</td>
<td>$9,382,301</td>
<td>$9,217,069</td>
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<td>$14,563,080</td>
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<td>$10,278,231</td>
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<td><strong>Receipts</strong></td>
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<td>General Property Tax (Real Estate)</td>
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<td>$20,180,288</td>
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<td>All Other Revenues</td>
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<td>Personal Services (Employee Wages)</td>
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<td>Employees' Retirement &amp; Other Benefits</td>
<td>$7,673,523</td>
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<td>$7,584,651</td>
<td>$7,587,749</td>
<td>$7,665,104</td>
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<td>Purchased Services- Utilities</td>
<td>$2,274,095</td>
<td>$2,170,352</td>
<td>$2,175,900</td>
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<td>$2,398,930</td>
<td>$2,518,876</td>
<td>$2,644,820</td>
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<td>Purchased Services- Other Schools</td>
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<td>$33,967,641</td>
<td>$36,000,000</td>
<td>$38,000,000</td>
<td>$40,000,000</td>
<td>$42,000,000</td>
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<td>Other Purchased Services</td>
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<td>Capital Outlay</td>
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<td>$418,710</td>
<td>$427,084</td>
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<td><strong>Total Expenditures</strong></td>
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<td>$108,167,039</td>
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<td>$117,208,132</td>
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<td><strong>Net Transfers and Advances</strong></td>
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<td>(488,576)</td>
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<td>$(70,000)</td>
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<td>Ending Balance</td>
<td>$9,099,850</td>
<td>$9,382,301</td>
<td>$9,217,069</td>
<td>$10,716,960</td>
<td>$14,563,080</td>
<td>$14,134,639</td>
<td>$10,278,231</td>
<td>$2,955,805</td>
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<td>Encumbrances</td>
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<td>$1,316,597</td>
<td>$1,654,449</td>
<td>$1,500,000</td>
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<td>$1,500,000</td>
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<td>Ending Balance Less Encumbrances</td>
<td>$9,099,850</td>
<td>$8,065,704</td>
<td>$7,562,620</td>
<td>$9,216,960</td>
<td>$13,063,080</td>
<td>$12,634,639</td>
<td>$8,778,231</td>
<td>$1,495,805</td>
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<td><strong>Net Expenditures</strong></td>
<td>$75,190,547</td>
<td>$71,472,405</td>
<td>$72,167,039</td>
<td>$72,905,604</td>
<td>$74,480,165</td>
<td>$75,208,132</td>
<td>$76,434,150</td>
<td></td>
</tr>
</tbody>
</table>
ASSUMPTIONS

REVENUE

1.010 General Property (Real Estate)
   - The emergency levy, passed in November of 2012, will be renewed in 2016, there will be no increase or reduction in real estate tax revenue.
   - Collections are expected to be stable for the next five years.

1.020 Tangible Personal Property Tax (Inventory and Equipment)
   - This revenue stream has been phased-out by the state.

1.035 Unrestricted Grants-in-aid (State Foundation Program)
   - State foundation funding for FY 2014 is increased by 6.25% per HB 59 projections. It is assumed that district enrollment will decrease by about 150 pupils for FY 2015 funding purposes. This translates into a decrease of about $1,000,000 below the projection used in the October 2013 forecast.
   - State funding decreases by about $700,000 per year beginning in FY 2016. This is the result of declining enrollment of about 100 pupils per year.

1.040 Restricted Grants-in-aid (Also part of State Foundation Program)
   - State Career Tech dollars must be spent on Career Tech only and with restrictions. These funds are projected to increase by 15.5% in FY 2014 and 3% in FY 2015. They will remain flat after that.
   - It is expected that other State funds will become restricted beginning in FY 2014 such as Special Education and Economically Disadvantaged funds. The forecast assumes that the YCSD already spends those funds as will be required and therefore will not have to make additional expenditures because of new State requirements.

1.050 Property Tax Allocation (Homestead and Rollback)
   - This is tied to Real Estate Property Taxes.
• As long as the emergency levy is passed in 2016, there will be no decrease.

1.060 All Other Operating Revenue
• These are revenues from other sources
• They are being trended as flat over the forecast period.

EXPENSES

3.010 Personal Services (Salaries)
• Expenditures are relatively flat in FY 2014 and 2015 compared to FY 2013. They increase by 2% in FY 2016.

• YEA members and Administrators receive a 2% base salary increase in FY 2014, 2015, and 2016. AFSCME members receive a 2% base salary increase in FY 2014 and 2015.

• YEA members receive a $900 stipend in FY 2014 and a $500 stipend in FY 2015.
• In FY 2014 there was a reduction of 26 teaching staff, 3 administrative staff and 21 support staff. These reductions were made possible by the closing of three buildings. These reductions, effecting pay from Sept. 2013 to June 2014, offset the 2% pay increase and the $900 stipend.

• In FY 2015, the 2% increase is offset by the FY 2014 reductions, effecting pay in July and August of 2014, the reduction of severance pay (due to fewer retirements) and by reducing the stipend from $900 to $500.

• Any additional salary increases would have to be negotiated, therefore the forecast assumes no additional increase in the base salary.
• It is assumed that the number of employees remains the same through June 30, 2018. Attached to these notes is a summary of the district’s staffing.

3.020 Employee’s Retirement/Insurance Benefits
• These include:
  STRS/SERS retirement
  Medicare
  Workers Compensation
  Unemployment Costs
  Health Insurance

• These costs, except for health insurance, are calculated as a percent of salaries. As salaries increase or decrease these costs do the same.

• It is assumed healthcare in general will increase by 5% in FY 14. The increase is offset by reducing 41 enrollees at $17,000 each, $180,000 in additional employee contributions (March-June), and $50,000 from reduced coverage (March-June)
• It is assumed healthcare in general will increase by 7% in FY 15 through FY 18. The increase is offset in FY 15 by a full year savings from additional employee contributions ($540,000) and reduced coverage ($150,000).

3.030 Purchase Services
• The cost for utilities will increase by 5% each year. The closing of three buildings will offset most of that cost in FY 2014.

• It is assumed that the trend for the deduction of community, scholarship, and open enrollment schools will continue to increase. While it appears that the deduction for charter schools has leveled off, the number of students selecting open enrollment and scholarship has continued to increase.

• Other purchased services will increase by 2% each year.

3.040 Supplies and Materials
• In FY 2012 the district spent a one-time $389,000 for instructional computers.

• Expenditures will increase by 2% per year beginning in FY 2014.

3.050 Capital Outlay (Equipment)
• The FY 2014 budget includes $92,000 in equipment for the Career Tech program, using the State restricted funds.
• The FY 2014 budget includes $200,000 for replacement school busses.
• Expenditures increase by 2% per year, beginning in FY 2015.

4.300 Other Objects (Expenses)
• Certain uncontrollable costs make up the majority of this area
  - Tax collection fees from the County
  - Liability insurance
  - State Audit costs
<table>
<thead>
<tr>
<th>Location</th>
<th>Certified</th>
<th>Admin.</th>
<th>Classified</th>
<th>Hourly</th>
<th>Total Non Hourly</th>
<th>FTE Including Hrly. at 1/3 FTE</th>
<th>Pupils</th>
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<td>25</td>
<td>1</td>
<td>12</td>
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<td>M.L. King Elem</td>
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- Elementary Pupil/FTE Staff Ratio: 7.37
- Secondary Pupil/FTE Staff Ratio: 5.65
- District Pupil/FTE Staff Ratio: 4.69
SUPERINTENDENT'S RECOMMENDATIONS

TO THE BOARD OF EDUCATION

April 8, 2014

Item 1: I wish to recommend that the following attached revised policies be approved by the Board of Education:

Policy 1422/3122/4122/2260 – Nondiscrimination and Equal Employment Opportunity (Revised)

These policies were last revised in September 2012, expanding the definition of “Protected Class” to be consistent with recent rulings by courts, Office for Civil Rights, and the Equal Employment Opportunity Commission. Further rulings have called for the complaint procedure to be included in the policy itself. Additionally, the U.S. Department of Education (USDOE) has continued to express its concern for this issue and how students may be subjected to bullying based upon their sexual orientation or transgender identity. These revisions intend to provide a consistent framework and timeline for dealing with such issues. Districts that elect not to include the proposed language revision are advised to consult with their district legal counsel regarding the topic.

These revisions reflect specific provisions that OCR will expect to find in District policies during an investigation of a complaint or at the time of an audit.

Item 2 (Separate Vote)

For the record the following Permanent Substitute Teacher is to be used on an “as needed basis”

Ada Hill

Effective date 3/26/2014

Item 3: I wish to recommend employment of the following person, Betsy Johnquest, as a Daily Substitute Teacher, (Fund 001) as and when needed, but not to exceed 25 hours per week. Effective date is April 9, 2014.

- $ 70.00 a day or from day 1 to day 10 if in the same position.
- $ 75.00 a day from day 11 to day 60 if in the same position.
- $ 162.42 a day from day 61 to day 184 if in the same position.
Item 4: I wish to recommend that a leave of absence be granted to the following certificated employees, pursuant to the agreement with Youngstown Education Association (YEA) and the Board of Education, the following leave of absence will be concurrent with the provisions of the Family and Medical Leave Act (FMLA) of 1993:

Lori A. Bullen  Ext. Medical  Eff. 04/02/14 through 05/09/14
Phyllis A. Engler  Ext. Medical  Eff. 03/03/14 through 04/04/14
Heather Wilcox  Maternity  Eff. 03/24/14 through 05/09/14

For the Record: Mary J. Ferguson returned to work on Monday, March 31, 2014 from her Medical Leave of Absence.

Item 5: I wish to recommend to the Board consent to the resignation for Retirement purposes, Janet L. Write, Administrator. Effective date June 17, 2014

Item 6: I wish to recommend to the Board consent to the resignation for Retirement purposes, Annie L. Hunter, Teacher. Effective date June 10, 2014

Item 7: I wish to recommend to the Board the following appointment of, Shirley Adkisson, for 10 Month Secretary - (Fund 001) at a daily rate of $99.66 per day. Effective date April 9, 2014

Item 8: I wish to recommend that a leave of absence be granted to the following classified employees, pursuant to the agreement with the Board of Education, the following leave of absence will be concurrent with the provisions of the Family and Medical Leave Act (FMLA) of 1993:

Gracie Evans  Bus Driver  FMLA  Eff. 12/12/13-6/12/14
Christina Johnson  Monitorial Aide  Medical Leave  Eff. 1/23/14-3/28/14

Item 9: I wish to recommend to the Board consent to the resignation for Retirement purposes, Jane E. Shaffer, Custodial Helper. Effective date June 1, 2014

Item 10: I wish to recommend to the Board consent to the resignation for Retirement purposes, Edith DiBacco, Secretary. Effective date July 1, 2014

Ms. Kimble moved, seconded by Mr. Murphy that the following superintendent’s recommendation, Item 2 be approved:

Ayes: Atkinson
Nays: Williams, Adair, Haire-Ellis, Kimble, Murphy, Shadd

Motion failed
Nondiscrimination and Equal Employment Opportunity

The Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, military status, ancestry, genetic information (collectively, "Protected Classes"), or any other legally protected category, in its programs and activities, including employment opportunities.

District Compliance Officers

The Board designates the following individuals to serve as the District’s "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs").

<table>
<thead>
<tr>
<th>Issues concerning Section 504</th>
<th>Issues concerning ADA (Americans with Disabilities Act)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educational Director of Pupil Personnel</td>
<td>Assistant Superintendent of Human Resources</td>
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<tr>
<td>Youngstown Board of Education</td>
<td>Youngstown Board of Education</td>
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<tr>
<td>20 West Wood Street</td>
<td>20 West Wood Street</td>
</tr>
<tr>
<td>P.O. Box 550</td>
<td>P.O. Box 550</td>
</tr>
<tr>
<td>Youngstown, Ohio 44501-0550</td>
<td>Youngstown, Ohio 44501-0550</td>
</tr>
<tr>
<td>330-744-6965</td>
<td>330-744-6925</td>
</tr>
<tr>
<td>330-744-8869 (Fax No.)</td>
<td>330-744-5295 (Fax No.)</td>
</tr>
</tbody>
</table>

The titles and contact information of these individuals will be published annually on the School District's web site.

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/restitution or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. Any sections of the District's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts. A copy of each of the Acts and regulations on which this notice is based may be found in the CO's office.
Reports and Complaints of Unlawful Discrimination and Retaliation

Employees are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other District-level official so that the Board may address the conduct. Any administrator, supervisor, or other District-level employee or official who receives such a complaint shall file it with the CO within two (2) school days.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept complaints of unlawful discrimination/retaliation directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the employee within two (2) business days to advise him/her of the Board's intent to investigate the wrongdoing.
BOARD OF EDUCATION  
YOUNGSTOWN CITY SCHOOL DISTRICT  
Investigation and Complaint Procedure (See Form 1422 F2)  

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights, the Ohio Civil Rights Commission ("OCRC") or Equal Employment Opportunity Commission ("EEOC").

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop quickly inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who believes s/he has been unlawfully discriminated or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Employees who believe that they have been unlawfully discriminated/retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee or any other adult member of the School District community against a student will be formally investigated.
As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/retaliated against and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the CO may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully discriminated/retaliated against may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to one of the COs; and/or (3) to the Superintendent or other District-level employee.

All informal complaints must be reported to one of the COs who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide employees who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

A. Advising the individual about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.

B. Distributing a copy of Policy 1422 – Non-Discrimination as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works.

C. If both parties agree, the CO may arrange and facilitate a meeting between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.
While there are no set time limits within which an informal complaint must be resolved, the CO or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process will be retained by the COs in accordance with the Board’s records retention policy. (See Policy 8310)

**Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process shall be implemented.

An individual who believes s/he has been subjected to unlawful discrimination/restitution (hereinafter referred to as the "Complainant"), may file a formal complaint, either orally or in writing, with a principal, the CO, Superintendent, or other District-level employee. Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a principal, Superintendent, or other District-level employee, either orally or in writing, about any complaint of discrimination/restitution, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/restitatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.
Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the CO should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 1422 - Non-Discrimination. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

A. interviews with the Complainant;

B. interviews with the Respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.
At the conclusion of the investigation, the CO or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retribution as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retribution. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the Board’s legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retribution, she/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retribution. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the Superintendent's final decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board’s disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retribution regardless of whether the employee alleging the unlawful discrimination/retribution pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.
The Complainant may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person’s pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board’s legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of discrimination/retribution will be maintained by the CO in accordance with the Board’s records retention policy.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retribution is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against an employee, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.
Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

R.C. 4112.01, 4112.02
A.C. 3301-35-03(A)

Fourteenth Amendment, U.S. Constitution
20 U.S.C. Section 1681, Title IX of Education Amendment Act
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
34 C.F.R. Part 110 (7/27/93)
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
42 U.S.C., 2000e, et seq., Civil Rights Act of 1964
29 C.F.R. Part 1635

Adopted: 2/12/13
Revised:
Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship and/or personal sense of self-worth. As such, 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 educational programs or activities.

The Board also does not discriminate on the basis of Protected Classes in its employment policies and practices as they relate to students, and does not tolerate harassment of any kind.

Equal educational opportunities shall be available to all students, without regard to the Protected Classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this District. Educational programs shall be designed to meet the varying needs of all students.

In order to achieve the aforesaid goal, the Superintendent shall:

A. **Curriculum Content**

   review current and proposed courses of study and textbooks to detect any bias based upon the Protected Classes; ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc. toward the development of human society;

B. **Staff Training**

   develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias based upon the Protected Classes in all aspects of the program;
C. Student Access

1. review current and proposed programs, activities, facilities, and practices to verify that all students have equal access thereto and are not segregated on the basis of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State and Federal laws and regulations;

2. verify that facilities are made available, in accordance with Board Policy 7510 - Use of District Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

D. District Support

verify that like aspects of the District program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

E. Student Evaluation

verify that tests, procedures, and guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of the Protected Classes.
District Compliance Officers

The Board designates the following individuals to serve as the District's "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs").

**Issues concerning Section 504**

Executive Director of Special Education
Youngstown Board of Education
20 West Wood Street
P.O. Box 550
Youngstown, Ohio 44501-0550
330-744-6965
330-744-8869 (Fax No.)

**Issues concerning ADA**
(Americans with Disabilities Act)

Assistant Superintendent of Human Resources
Youngstown Board of Education
20 West Wood Street
P.O. Box 550
Youngstown, Ohio 44501-0550
330-744-6925
330-744-5295 (Fax No.)
The titles and contact information of these individuals will be published annually on the School District's web site.

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination Act of 1975 is provided to students, their parents, staff members, and the general public. A copy of each of the Acts and regulations on which this notice is based may be found in the CO's office.

The Superintendent shall annually attempt to identify children with disabilities, ages 3-22, who reside in the District but do not receive public education. In addition, s/he shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in District programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation, and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the District will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading and writing, on an annual basis (see AG 2260F).

Reports and Complaints of Unlawful Discrimination and Retaliation

Students and all other members of the School District community and third parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other District official so that the Board may address the conduct. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the CO within two (2) school days.
Members of the School District community, which includes students or third parties, who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may constitute unlawful discrimination based on a Protected Class, the Principal shall report the act to one of the COs who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the Principal shall suspend his/her Policy 5517.01 investigation to await the CO’s written report. The CO shall keep the Principal informed of the status of the Policy 2260 investigation and provide him/her with a copy of the resulting written report.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept complaints of unlawful discrimination/retaliation directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a CO will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.
Any Board employee who directly observes unlawful discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the student, if age eighteen (18) or older, or the student’s parents if the student is under the age eighteen (18), within two (2) school days to advise s/he/them of the Board’s intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedure

Any student who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual’s claims and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"). The Cleveland Office of the OCR can be reached at 1350 Euclid Avenue, Suite 325, Cleveland, Ohio 44115; Telephone: (216) 522-4970; Fax: (216) 522-2573; TDD: (216) 522-4944; E-mail: ocr.cleveland@ed.gov; Web: http://www.ed.gov/ocr.

Informal Complaint Procedure

The goal of the informal complaint procedure is to quickly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully discriminated or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint.
The informal process is only available in those circumstances where the parties (the alleged target of the discrimination and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Students who believe that they have been unlawfully discriminated/retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee or any other adult member of the School District community against a student will be formally investigated.

As an initial course of action, if a student feels that s/he is being unlawfully discriminated/retaliated against and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the CO may advise against the use of the informal complaint process.

A student who believes s/he has been unlawfully discriminated/retaliated against may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (2) to the Superintendent or other District-level employee; and/or (3) directly to one of the COs.

All informal complaints must be reported to one of the COs who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.
The School District's informal complaint procedure is designed to provide students who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the student claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

A. Advising the student about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.

B. Distributing a copy of Policy 2260 – Non-Discrimination as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.

C. If both parties agree, the CO may arrange and facilitate a meeting between the student claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process will be retained by the COs in accordance with the Board's records retention policy and/or Student records policy. (See Policy 8310 and Policy 8330)
Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the student elects to file a formal complaint initially, the formal complaint process shall be implemented.

A student who believes s/he has been subjected to unlawful discrimination/restitution (hereinafter referred to as the "Complainant") may file a formal complaint, either orally or in writing, with a teacher, Principal, or other District employee at the student’s school, the CO, Superintendent, or another District employee who works at another school or at the District level. Due to the sensitivity surrounding complaints of unlawful discrimination, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a teacher, Principal, or other District employee at the student’s school, Superintendent, or other District employee, either orally or in writing, about any complaint of discrimination/restitution, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in; the discriminatory/restriatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.
If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person alleged to have engaged in the misconduct. In making such a determination, the CO should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retribution.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent") that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 2260 - Non-Discrimination. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.
Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

A. interviews with the Complainant;
B. interviews with the Respondent;
C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if unlawful discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or designee, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.
If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the Superintendent shall issue a final written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retribution, she/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retribution. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the Superintendent’s final decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board’s disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retribution regardless of whether the student alleging the unlawful discrimination/retribution pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The Complainant may be represented, at his/her own cost, at any of the above described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person’s pursuit of other remedies such as the filing of a Complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.
Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

All records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained by the CO in accordance with the Board's records retention policy. Any records that are considered student education records in accordance with the Family Educational Rights and Privacy Act or under Ohio's student records law will be maintained in a manner consistent with the provisions of the Federal and State law.
Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.
Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information, provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

A.C. 3301-35-02(A)
R.C. 3301.0711, 3302.01, 3302.03, 3313.61, 3313.611, 3313.612, 3317.03
Fourteenth Amendment, U.S. Constitution
20 U.S.C. Section 1681, Title IX of Education Amendment Act
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
29 U.S.C. Section 794, Rehabilitation Act of 1973, as amended
42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964
42 U.S.C. Section 2000ff et seq., The Genetic Information Nondiscrimination Act
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
29 C.F.R. Part 1635
34 C.F.R. Part 110 (7/27/93)
Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, March 1979
Title III of the No Child Left Behind Act of 2001

Adopted: 8/24/04
Revised: 1/09/07
Revised: 10/28/08
Revised: 2/14/11
Revised: 2/12/13
Revised:
The Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, military status, ancestry, genetic information (collectively, "Protected Classes"), or any other legally protected category, in its programs and activities, including employment opportunities.

**District Compliance Officers**

The Board designates the following individuals to serve as the District's "Compliance Officers" (also known as "Civil Rights Coordinator") (hereinafter referred to as the "COs").

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<td>Assistant Superintendent of Human Resources Youngstown Board of Education 20 West Wood Street P.O. Box 550 Youngstown, Ohio 44501-0550 330-744-6925 330-744-5295 (Fax No.)</td>
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The titles and contact information of these individuals will be published annually on the School District's web site.

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. Any sections of the District's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts. A copy of each of the Acts and regulations on which this notice is based may be found in the CO's office.
Reports and Complaints of Unlawful Discrimination and Retaliation

Employees are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other District-level official so that the Board may address the conduct. Any administrator, supervisor, or other District-level employee or official who receives such a complaint shall file it with the CO within two (2) school days.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept complaints of unlawful discrimination/retaliation directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.
Any Board employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the employee within two (2) business days to advise him/her of the Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedure (See Form 3122 F2)

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual’s claims and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights, the Ohio Civil Rights Commission ("OCRC") or Equal Employment Opportunity Commission ("EEOC").
Informal Complaint Procedure

The goal of the informal complaint procedure is to quickly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who believes s/he has been unlawfully discriminated or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the parties (the alleged target of the discrimination/retribution and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Employees who believe that they have been unlawfully discriminated/retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee or any other adult member of the School District community against a student will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/retaliated against and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retributory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful misconduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the CO may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully discriminated/retaliated against may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to one of the COs; and/or (3) to the Superintendent or other District-level employee.

All informal complaints must be reported to one of the COs who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.
The School District's informal complaint procedure is designed to provide employees who believe they are being unlawfully discriminated/reported against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/restitution, informal resolution may involve, but not be limited to, one or more of the following:

A. Advising the individual about how to communicate his/her concern to the person who allegedly engaged in the discriminatory/retributory behavior.

B. Distributing a copy of Policy 3122 – Non-Discrimination as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works.

C. If both parties agree, the CO may arrange and facilitate a meeting between the individual claiming discrimination/restitution and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process will be retained by the COs in accordance with the Board's records retention policy. (See Policy 8310)
**Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process shall be implemented.

An individual who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant"), may file a formal complaint, either orally or in writing, with a Principal, the CO, Superintendent, or other District-level employee. Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a Principal, Superintendent, or other District-level employee, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in; the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.
Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the CO should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deem appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 3122 - Non-Discrimination. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

A. interviews with the Complainant;

B. interviews with the Respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.
At the conclusion of the investigation, the CO or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provide recommendations based on the evidence and the definition of unlawful discrimination/retribution as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retribution. The CO's recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retribution, she/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retribution. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.
A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the Superintendent's final decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/relation regardless of whether the employee alleging the misconduct pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The Complainant may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

**Privacy/Confidentiality**

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of discrimination/relation will be maintained by the CO in accordance with the Board's records retention policy.
Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/restitution is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against an employee, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retribution, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and discrimination in general, will be age and content appropriate.
R.C. 4112.01, 4112.02  
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Adopted: 8/24/04  
Revised: 10/28/08  
Revised: 2/14/11  
Revised: 2/12/13  
Revised:
Nondiscrimination and Equal Employment Opportunity

The Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation and transgender identity), disability, age, religion, military status, ancestry, genetic information (collectively, "Protected Classes"), or any other legally protected category, in its programs and activities, including employment opportunities.

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The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. Any sections of the District's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts. A copy of each of the Acts and regulations on which this notice is based may be found in the CO’s office.
Reports and Complaints of Unlawful Discrimination and Retaliation

Employees are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other District-level official so that the Board may address the conduct. Any administrator, supervisor, or other District-level employee or official who receives such a complaint shall file it with the CO within two (2) school days.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept complaints of unlawful discrimination/retaliation directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint, either directly or through a school building administrator, a CO will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.
Any Board employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the employee within two (2) business days to advise him/her of the Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedure (See Form 4122 F2)

Any employee who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights, the Ohio Civil Rights Commission ("OCRC") or Equal Employment Opportunity Commission ("EEOC").
Informal Complaint Procedure

The goal of the informal complaint procedure is to quickly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who believes s/he has been unlawfully discriminated or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Employees who believe that they have been unlawfully discriminated/retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee or any other adult member of the School District community against a student will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully discriminated/retaliated against and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful misconduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the CO may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully discriminated/retaliated against may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to one of the COs; and/or (3) to the Superintendent or other District-level employee.

All informal complaints must be reported to one of the COs who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.
The School District's informal complaint procedure is designed to provide employees who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

A. Advising the individual about how to communicate his/her concern to the person who allegedly engaged in the discriminatory/retaliatory behavior.

B. Distributing a copy of Policy 4122 – Non-Discrimination as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works.

C. If both parties agree, the CO may arrange and facilitate a meeting between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process will be retained by the COs in accordance with the Board's records retention policy. (See Policy 8310)
Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process shall be implemented.

An individual who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant"), may file a formal complaint, either orally or in writing, with a Principal, the CO, Superintendent, or other District-level employee. Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a Principal, Superintendent, or other District-level employee, either orally or in writing, about any complaint of discrimination or retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.
Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person who allegedly engaged in the misconduct. In making such a determination, the CO should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deem appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 4122 - Non-Discrimination. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or a designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

A. interviews with the Complainant;

B. interviews with the Respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.
At the conclusion of the investigation, the CO or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/restitution as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/restitution. The CO’s recommendations must be based upon the totality of the circumstances. In determining if discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the Board’s legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or the designee, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent’s final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/restitution, she/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/restitution. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.
A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the Superintendent's final decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the employee alleging the misconduct pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The Complainant may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person’s pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.
Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board’s legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained by the CO in accordance with the Board's records retention policy.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against an employee, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.
Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

R.C. 4112.01, 4112.02
A.C. 3301-35-03(A)
Fourteenth Amendment, U.S. Constitution
20 U.S.C. Section 1681, Title IX of Education Amendment Act
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
34 C.F.R. Part 110 (7/27/93)
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
42 U.S.C., 200e, et seq., Civil Rights Act of 1964
29 C.F.R. Part 1635

Adopted: 8/24/04
Revised: 10/28/08
Revised: 2/14/11
Revised: 2/12/13
Revised
Item 2: I wish to recommend employment of the following person, Christine Maga, as a Permanent Substitute Teacher, (fund 001), to paid $162.42 for Non-YEA members, to be used on an "as need" basis. Effective Date is April 9, 2014

BOARD PRESIDENT’S REPORT

Mr. Atkinson noted how glad he was that Youngstown Early College students were recognized and in attendance at the board meeting. He further noted that there are many good things happening in Youngstown City Schools.

Ms. Kimble moved, seconded by Ms. Haire-Ellis that the following resolution be adopted. On roll call vote the results were as follows:

Ayes: Williams, Adair, Atkinson, Haire-Ellis, Kimble, Murphy, Shadd
Nays: None

Motion carried.

SUPERINTENDENT’S
CONSENT AGENDA
RESOLUTIONS AND MOTIONS
TO THE BOARD OF EDUCATION
APRIL 8, 2014

Dear Mr. President:

Item I I wish to present a resolution adopting a Calamity Day Alternative Make-up Plan.

RESOLUTION ADOPTING A CALAMITY DAY
ALTERNATIVE MAKE-UP PLAN

WHEREAS, the Youngstown City School District’s Board of Education desires that students have learning opportunities even when schools are closed for any of the reasons specified in sections 3317.01 and 3313.88 of the Ohio Revised Code; and

WHEREAS, section 3313.88 of the Ohio Revised Code authorizes a Board of Education to file an annual plan with the Ohio Department of Education to provide learning opportunities for students in lieu of attendance on such excess calamity days;

NOW THEREFORE BE IT, AND IT IS, HEREBY RESOLVED that the Youngstown City School District’s Board of Education hereby approves the following plan and authorizes its filing with the Ohio Department of Education.

PLAN FOR ALTERNATIVE MAKE-UP OF CALAMITY DAYS
Pursuant to Ohio Revised Code section 3313.88, the Board of Education of the Youngstown City School District hereby authorizes the following plan to allow students of the district to access classroom lessons in order to complete up to four days of instruction due to the closing of schools for any of the reasons specified in section 3317.01 of the Ohio Revised Code.

1. This plan is submitted, pursuant to approval of the Board of Education.
2. This plan includes the written consent of the teachers' employee representative as designated under division (B) of section 4117.04. Such consent is on file with the Board of Education and is hereby incorporated into this plan.
3. The Board of Education hereby authorizes to extend the school day beginning May 1, 2014 – May 30, 2014 for fifteen (15) minutes before the regular school day begins and fifteen (15) minutes after the regular school day ends. Youngstown Early College will begin extending the day the week of April 14, 2014 – May 16, 2014 with fifteen (15) minutes before the regular school day begins and fifteen (15) minutes after the regular school day ends.
4. The Board of Education hereby authorizes the optional alternative for the last two calamity days with use of “Blizzard Bags. These are paper copies of compiled enrichment lessons created by each student’s licensed teachers and are equal to or greater than the amount of instructional time the student would receive for two school days.
5. Each classroom teacher shall develop a sufficient number of enrichment lessons for each course taught by that teacher with such lessons requiring, in the judgment of the teacher, an amount of time equal to or greater than the amount of instructional time the student would receive for two school days.
6. Teachers shall designate the order in which the lessons are to be completed.
7. Each student enrolled in a course for which a lesson is designated shall be granted a two-week period from the date of release to complete the lessons.

COMMITTEE REPORTS

Mr. Murphy – Finance/Business/Non-Certificated Committee – The committee met on April 7th and discussed the following:

- Finance information
- Purchase of two school buses

(Mr. Murphy deferred his time to the treasurer who would be presenting five-year forecast information.)

Ms. Haire-Ellis – Curriculum/Extra Curricular/Sports Committee – The committee met April 2nd and discussed the following:

- Extensive review of Wilson School of Promise Alternative concerns
- Positive impact of extra-curricular activities
COMMITTEE REPORTS

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- Purchase of two school buses

(Mr. Murphy deferred his time to the treasurer who would be presenting five-year forecast information.)

Ms. Haire-Ellis – Curriculum/Extra Curricular/Sports Committee – The committee met April 2nd and discussed the following:

- Extensive review of Wilson School of Promise Alternative concerns
- Positive impact of extra-curricular activities
- Request a policy requiring seniors to complete a portfolio
- Address the application process for students applying for
- College trade scholarship or jobs with assistance of school personnel resume essay letter of recommendation
- Thanks to Mr. Hiscox for the packet he compiled for the committee
- Gifted Program discussion at next meeting

Ms. Kimble moved, seconded by Mr. Murphy that the Bylaw and Policy Recommendations and the Business Office Recommendations be approved:

Ayes: Williams, Adair, Atkinson, Haire-Ellis, Kimble, Murphy, Shadd
Nays: None

Motion carried.

PERSONNEL/LEGAL/LEGISLATIVE POLICY COMMITTEE

TO THE BOARD OF EDUCATION
April 8, 2014

Item 1: The Personnel/Legal/Legislative Policy Committee recommends that the following attached Bylaw and Policy be approved:

Bylaw 0131.1 – Technical Corrections (New)
This new bylaw is offered to assist districts in making technical corrections to policies by resolution, rather than by the multiple readings/adoptions process.

Policy 1240 – Evaluation of the Superintendent (Revised)
TECHNICAL CORRECTIONS

0131.1

Periodically it may be deemed necessary to make technical corrections to policies that have already been adopted through normal procedures. These technical corrections may include:

A. consolidation of sections,
B. transfer of sections,
C. combining or dividing sections,
D. renumbering subsections, sections, chapters and titles,
E. corrections or additions for grammatical or typographical errors,
F. alterations and omissions not affecting the constructions or meaning of those sections, subsections, chapters, titles, or policies as a whole.

Should the Board of Education choose to make such technical corrections, it may be accomplished by resolution as part of the consent agenda without going through the normal policy adoption procedure.

Adopted:
Executive

The Board shall exercise its executive power by the appointment of a Superintendent of Schools, hereinafter referred to as "Superintendent", for a term not longer than five (5) years. R.C. 3319.01

The Superintendent shall enforce the statutes of Ohio, rules of the State Board, and the policies of this Board. R.C. 3319.01

The Superintendent shall prepare guidelines for the administration of the District which are not inconsistent with statutes, regulations of the State Board, or the policies of this Board. (See Policy 1230.01)

Such administrative guidelines shall be binding on the employees and the students of this District when issued.

The Superintendent shall be delegated the authority to take necessary action in circumstances not provided for in Board policy, provided that such action shall be reported to the Board at the next meeting following such action.

Judicial

The Board of Education may assume jurisdiction over any dispute or controversy arising within the District and concerning any matter in which authority has been vested in the Board by statute, rule, a contract, or policy of this Board.

[ ] In furtherance of its adjudicatory function, the Board may hold hearings which shall offer the parties to a dispute, on notice duly given, a fair and impartial forum for the resolution of the matter. R.C. 9.84

[ ] Beyond the basic requirements of due process, a hearing may vary in form and content in line with the severity of the consequences which may flow from it, the degree of difficulty of establishing findings of fact from conflicting evidence, and the impact of the Board's decision on the School District.
EVALUATION OF THE SUPERINTENDENT

The Board of Education believes it is essential that it evaluate the Superintendent’s performance annually in order to assist both the Board and the Superintendent in the proper discharge of their responsibilities and to enable the Board to provide the District with the best possible leadership with respect to the Board’s statutory authority to evaluate the Superintendent. Ohio Revised Code 3319.01 provides the following:

"Each board shall adopt procedures for the evaluation of its superintendent and shall evaluate its superintendent in accordance with those procedures. An evaluation based upon such procedures shall be considered by the board in deciding whether to renew the superintendent’s contract. The establishment of an evaluation procedure shall not create an expectancy of continued employment. Nothing in this section shall prevent a board from making the final determination regarding the renewal or failure to renew a superintendent’s contract."

The Board shall annually evaluate the performance of the Superintendent. **The evaluation shall be done during the month of July and completed on or before July 15th.** (See Policy 1110.)

Such evaluation shall include an assessment of:

A. the progress toward both the educational goals and the operational goals of the District;

B. **performance based on expectations prescribed in the job description;**

C. the working relationship between the Board and the Superintendent.

Such assessments will be based on defined quality expectations developed by the Board for each criterion being assessed.
The Board shall, at the onset of each evaluation, determine the method by which the evaluation shall be conducted and the evaluation model to be used.

Such method may include:

A. the Superintendent’s own self-analysis of the current status of the District;

B. the Superintendent’s self-assessment of his/her performance;

C. a compilation of assessments on a prepared standard form by individual Board members, which shall then be reviewed jointly by the Board and the Superintendent;

D. evaluation interviews between the Board and Superintendent during which no other business is discussed;

E. recommendations/commendations regarding the Superintendent’s job performance

As an outcome of the evaluation of the Superintendent’s performance, the Board should be prepared to judge the advisability of retaining employment of the Superintendent and be prepared to:

A. Determine the Superintendent’s salary;

B. Identify strengths and weaknesses in the operation of the District and determine a means by which weaknesses can be reduced and strengths are maintained;

C. Establish specific objectives, the achievement of which will advance the District toward its goals;

D. Improve its own performance as the public body ultimately charged with the educational responsibility of the District.

Upon completion of the written evaluation, the original copy, reflecting signatures of all Board Members and the signature of the Superintendent shall be filed with the Director of Human Resources for inclusion in the official personnel file of the Superintendent. Copies of the evaluation shall also be provided to the superintendent and the Board President.

R.C. 3319.01

Adopted: 8/24/04
Revised: 2/09/10
Revised:
Revisions to this policy reflect a change in the Superintendent’s evaluation date, the method by which the evaluation shall be conducted, and the evaluation model to be used.

BUSINESS AFFAIRS RECOMMENDATIONS

TO THE SUPERINTENDENT
April 8, 2014

Item 1: I wish to recommend a purchase, through the Metropolitan Educational Council Cooperative School Bus Purchasing Program, of two (2) 2015, International, 71-passenger school buses at a unit price of $79,338.00 and $5,980.00 per unit for a 10-year warranty, for a total cost of $170,636.00.

Item 2: I wish to recommend authorization to advertise for the demolition of the Harrison School Building, located at 1387 Commonwealth Avenue.

STUDENT BOARD MEMBERS

Student board member representatives were not in attendance.

TREASURER’S REPORT

James Reinhard, treasurer, presented a summary of the District’s revised five-year forecast as per attached.

SUPERINTENDENT’S REPORT

Dr. Hathorn was not in attendance. Mr. Hiscox, deputy superintendent had no report at this time.

UNFINISHED BUSINESS

Ms. Adair requested updated information on previously discussed items: Wilson School of Promise Alternative issues, status with Dr. Wan-Tatah, Task Force and the question of the compliance with the president’s executive order. She then shared information regarding the restraint of a student. She requested a copy of the incident report and she wants to hear from someone in administration as to why this was allowed to take place. Mr. Hiscox stated that he will provide the information. Ms. Adair thanked Mr. Hiscox for providing the information to her and requested that a copy be given to each member of the Board.

With regard to the status of Dr. Wan-Tatah, Mr. Atkinson noted that Dr. Hathorn along with Chaney and East principals, met with Dr. Wan-Tatah. The times are now being set-up for the tutoring process to begin.
Ms. Haire-Ellis requested information as to the status of Mr. Williams’ recommendation to address behavior problems at East High School. Mr. Atkinson stated that the information has been given to the superintendent.

Ms. Kimble presented some information on her attendance at the NSBA Conference as follows:

- Met with David Johns who was placed as director over the executive order by President Obama
- Mr. Johns stated that there is nothing for the District to do at this time but to make sure that strong programs are in place
- She has invited Mr. Johns to visit Youngstown in September to discuss the compliance

Mr. Shadd noted that the DI students are going to State competition. They are also having a Dress Down Day to raise funds for that purpose.

Vindicator articles and District website to learn of great happenings throughout the District

Ms. Haire-Ellis visited Martin Luther King Elementary School and had a wonderful time/She requested that the Board have a work session prior to the next board meeting.

Mr. Williams noted his congratulations to the Youngstown Early College students and their parents.

Ms. Adair wondered if a response is necessary to address The Vindicator editorial regarding unpleasant remarks directed to the Board. In response, Mr. Atkinson said

**ADJOURNMENT**

There being no further business requiring board action at this time, Mr. Murphy moved that the meeting adjourn. Ms. Haire-Ellis seconded the motion, and upon voice vote all board members voted yes. Mr. Atkinson announced the meeting adjourned at 7:27 p.m.