# SECTION E: SUPPORT SERVICES

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EB Safety Program
EBBC Bloodborne Pathogens
EBC Emergency Plans

ECAB Vandalism

EDBB Maintenance and Control of Noninstructional Materials
EDE Computer/On-Line Services (Acceptable Use and Internet Safety)

EEACA Bus Drivers Examination and Training

EGAA Printing and Duplicating Services
EGAAA Copyright
EGAC Telephone Services

EHA Data and Records Retention

EI Insurance Management

# SAFETY PROGRAM

The Board will make efforts to provide for the safety of all students, employees and members of the school community present on District property and at all District-sponsored events at other sites. The Board directs the administration to develop a safety program which is reviewed on an annual basis.

The Superintendent/designee has responsibility for the safety program of the District and develops written procedures to comply with the Public Employment Risk Reduction Act (PERRA) regulations and policies.

The practice of safety is a part of the instructional plan of the District through educational programs.

All staff are encouraged to participate in the proceedings of the Health and Safety Committee by providing recommendations that ensure a safe environment for all.

[Adoption date: April 17, 2003]

LEGAL REFS.: Public Employment Risk Reduction Act; ORC 4167.01 et seq.
ORC 2744
3313.60; 3313.643
3737.73
OAC 3301-35-06

CROSS REFS.: GBE, Staff Health and Safety
JHF, Student Safety

# BLOODBORNE PATHOGENS

The Board recognizes that staff incur some risk of infection and illness each time they are exposed to blood or other potentially infectious materials. While the risk to staff of exposure to body fluids due to casual contact with individuals in the school environment is very low, the Board regards any such risk as serious.

Consequently, the Board directs adherence to universally recognized precautions. Universally recognized precautions require that staff approach infection control as if all direct contact with human blood and body fluids is known to be infectious for HIV, HBV and/or other bloodborne pathogens.

To reduce the risk to staff by minimizing or eliminating staff exposure incidents to bloodborne pathogens*, the Board directs the Superintendent to develop and implement an Exposure Control Plan.

The plan shall include annual in-services for staff; correct procedures for cleaning up body fluid spills and for personal cleanup.

[Adoption date: April 17, 2003]

LEGAL REFS.: Public Employment Risk Reduction Act; ORC 4167.01 et seq.
20 USC 8901
29 CFR 1910.1030

* Bloodborne pathogens are pathogenic microorganisms that are present in human blood and can cause disease in humans. These include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

# EMERGENCY/SAFETY PLANS (Revision Jarod's Law, 7 17 08)

The Board acknowledges that the safety and well-being of students and staff are high priorities. Although emergencies cannot be predicted, effective prevention and management strategies are used to minimize the effects of emergency situations arising in the ESC and its programs.

**An emergency is defined as an event which threatens the actual safety and security of students, employees or visitors of the District or whose impact threatens the feeling of safety and security, both of which are detrimental to a positive learning environment. Emergencies include fire, natural disasters, medical emergencies, industrial accidents, suicide, death of a student or employee, acts of violence, trauma and terrorism.**

## Comprehensive School Safety Plans and Drills

The Board directs the Superintendent/designee to prepare emergency/safety plans for use by staff and students. The plans are posted in each classroom and other areas accessible to students.

**The comprehensive safety plan sets a protocol for addressing and responding to serious threats to the safety of the school property, students, staff and volunteers. Each protocol includes procedures deemed appropriate by the Board or governing authority for responding to threats and emergency events including, but not limited to, notification of appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance and informing parents of affected students.**

**The administration reviews the plan annually, considering the most current information dealing with the subjects, as well as making relevant information about the plan known to the community. When the comprehensive safety plan is used, assessment of the way the emergency was handled is completed by the Board and the administration. Suggestions for improvement, if necessary, are solicited from all stakeholders.**

State law determines the type and number of drills that schools must conduct in order to adequately prepare staff and students for emergency and disaster situations. Drills provide both students and staff with practice in responding to emergency conditions should such conditions occur.

**A copy of any Board operated school building's current comprehensive safety plan and blueprint is filed with the law enforcement agency that has jurisdiction over the school building and, upon request, the fire department that serves the political subdivision in which the school building is located. A copy of such current comprehensive safety plan and floor plan is filed with the Ohio Attorney General. The floor plan is used solely by law enforcement responding to an emergency in the building and is not a public record.**

The Board's comprehensive safety plan must be updated every three years and within 90 days whenever a major modification to an individual school building necessitates changes in that building's plan.

**Administrative Rules/Protocols**

**The Board directs each program administrator to develop administrative rules/protocols regarding the topics listed below. The rules/protocols are kept in the central office and produced to board of health sanitarians, upon request, during board of health inspections.**

1. **A list of dangerous or recalled products, as identified by the State Board of Health.**

2. **Radon rules or protocols including evidence that the school has been built radon resistant or has been tested for radon within the past five years.**

3. **An asbestos management plan including evidence of inspection for asbestos within three years, evidence of periodic surveillance within the past six months and a copy of the yearly written notice to the public referencing asbestos inspection and the availability of the asbestos management plan for review.**

4. **A school-wide safety or crisis management plan, which provides a protocol for responding to any emergency events and a protocol providing for immediate notification to the appropriate fire department and board of health in the event of any spill or release of a hazardous substance on school grounds.**

5. **Guidance regarding bloodborne pathogen risk reduction.**

6. **Procedures for administering medications to students.**

7. **A written comprehensive safety plan addressing:**

    A. **safety management accountabilities and strategies;**

    B. **safe work practices;**

    C. **accident analysis procedures;**

    D. **job safety analysis procedures;**

    E. **safety committees and employee involvement strategies;**

    F. **employee safety and health training;**

**G. treatment of sick or injured workers;**

**H. safety and health hazard audits;**

**I. ergonomics;**

**J. transportation safety;**

**K. identification and control of physical hazards;**

**L. substance abuse;**

**M. school violence prevention and**

**N. personal protective equipment.**

**8. A written chemical hygiene plan, which sets forth procedures, equipment, personal protective equipment and work practices that are capable of protecting employees and students from the health hazards of chemicals in the school.**

**9. Material data sheets for every hazardous chemical used in the school building or on the school grounds for cleaning, maintenance or instruction. (These must be kept where the chemicals are stored in addition to the central office of each building).**

**10. Protocols on staff and student hand washing.**

**11. No smoking signs.**

**12. The District's integrated pest management policy.**

**13. A flushing protocol if lead pipes or lead-lined storage wells are used.**

**14. Protocols for using automated external defibrillators (AEDs);**

**15. Protocols for responding to in-school crises, including student crime, suicide, death of student or employee, acts of violence (including bomb threats and school intruders), trauma, accidents and/or terrorism.**

**16. Protocols for the management of student's with life-threatening allergies.**

[Adoption date:]

LEGAL REFS.: ORC 149.433
**2305.235**
2923.11
3301.56
**3313.20**; 3313.536; **3313.717**
3314.03; **3314.16**
**3701.85**
3737.73; 3737.99
OAC 3301-35-06
**3701-54-09**

CROSS REFS.: **EBAA, Reporting of Hazards**
**EBBA, First Aid**
**EBBC, Bloodborne Pathogens**
ECA, Buildings and Grounds Security
**ECG, Integrated Pest Management**
**EEAC, School Bus Safety Program**
**EF, Food Services Management**
**EFB, Free and Reduced Price Food Services**
**GBE, Staff Health and Safety**
**JHCD, Administering Medicines to Students**
**JHF, Student Safety**
**KBCA, News Releases**
**KK, Visitors to the Schools**
Emergency/Safety Plans Handbook

# VANDALISM

Parents and students are made aware of the legal consequences of vandalism. Students, employees and citizens of the ESC are urged to report any incidents of vandalism to property belonging to the ESC together with the name(s) of the person(s) believed to be responsible. The Board may offer a reward for information leading to the arrest and conviction of any person who steals or damages Board property.

The Superintendent is authorized to sign a criminal complaint and to press charges against perpetrators of vandalism against school property. The Superintendent is further authorized to delegate, as he/she sees fit, authority to sign such complaints and to press charges.

Any student found guilty of any form of vandalism or defacement of Service Center property may be subject to suspension or expulsion.

Parents are liable up to the amount provided by law for the willful destruction of property by a minor in their custody or control. If parents are found liable for monetary damages and are unable to make restitution, the Board may allow the parents to perform community service for the District instead of repayment of the damages.

[Adoption date: April 17, 2003]

LEGAL REFS.: ORC 2909.05
3109.09
3313.173
3737.99

CROSS REFS.: JGA, Corporal Punishment
JGDA, Emergency Removal of Student

# MAINTENANCE AND CONTROL OF NONINSTRUCTIONAL MATERIALS

The Board believes Service Center-owned equipment is a valuable resource which may be loaned for community use under certain conditions only, provided that such use does not infringe on the original and necessary purpose of the equipment or interfere with the educational program.

The Board may lend specific items of equipment on the written request of the user and approval granted by the Superintendent/designee. The following rules apply to the lending of Service Center-owned equipment.

> The group or individual borrowing the equipment agrees, in writing, to accept responsibility for repairing or replacing any equipment damaged or lost while in its possession.

The Board limits the loaning of equipment to times when such equipment is not required to accomplish tasks arising from educational or job responsibilities, supervision is not required and the terms imposed for public use are followed.

Removal of equipment from Service Center property for personal use by staff is prohibited.

[Adoption date: April 17, 2003]

# COMPUTER/ON-LINE SERVICES
(Acceptable Use and Internet Safety)

This policy addresses the limitations on the use of publicly owned computer hardware and software.

Purpose

1. To prevent the misappropriation of unauthorized use of publicly owned computer hardware and software by outlining the limitations, offenses and penalties related to the same.

2. To ensure that procedures for proper handling of acquired proprietary software products are communicated to all employees and agents.

3. To protect the Board from potential liability to third party vendors with respect to the inappropriate use of external software products.

This policy shall be applicable to all certificated, classified and contracted staff, or any person authorized access, in the use of all computer hardware, network services and software purchased and/or developed and owned by the Ohio Department of Education, the state of Ohio or the Board.

Employees should remember that computers, information systems and networks, like paper files, desks, notebooks, etc. are Mahoning County Board of Education assets provided to employees to assist them in performing their work. These tools, and the work product they contain, are Board property and therefore subject to Board review and control. The efficient operation of these vital resources is critical to the success of the Board and it is therefore the responsibility of all employees to use Board computer resources appropriately. Utilization of computer hardware, software, peripheral equipment and networks owned and/or leased by the Board and/or state is limited to work-related matters.

Maintaining system security and data integrity is everyone's responsibility. Unless specifically authorized to do so, Board employees and authorized persons shall not do the following.

A. Install personal software on any computer hardware owned by the Board.

B. Download software from bulletin boards and other computer systems, including public domain software.

Authorization shall only be made by the designee or designees of the Board.

Technology can greatly enhance the instructional program, as well as the efficiency of the District. The Board recognizes that careful planning is essential to ensure the successful, equitable and cost-effective implementation of technology-based materials, equipment, systems and networks. Computers and use of the District network or on-line services support learning and enhance instruction, as well as assist in administration. Computer networks allow people to interact with many computers; the Internet allows people to interact with hundreds of thousands of networks. All computers are to be used in a responsible, efficient, ethical and legal manner. Failure to adhere to this policy and the guidelines below will result in the revocation of the user's access privilege. Unacceptable uses of the computer/network include but are not limited to:

1. violating the conditions of State and Federal law dealing with students' and employees' rights to privacy;

2. using profanity, obscenity or other language which may be offensive to another user;

3. reposting (forwarding) personal communication without the author's prior consent;

4. copying commercial software and/or other material in violation of copyright law;

5. using the network for financial gain, for commercial activity or for any illegal activity;

6. "hacking" or gaining unauthorized access to other computers or computer systems, or attempting to gain such unauthorized access;

7. accessing and/or viewing inappropriate material and

8. downloading of freeware or shareware programs.

The Superintendent/designee shall develop a plan to address the short- and long-term technology needs and provide for compatibility of resources among school sites, offices and other operations. As a basis for this plan, he/she shall examine and compare the costs and benefits of various resources and shall identify the blend of technologies and level of service necessary to support the instructional program.

Because access to on-line services provides connections to other computer systems located all over the world, users (and parents of users who are under 18 years old) must understand that neither the school nor the District can control the content of the information available on these systems. Some of the information available is controversial and sometimes offensive.

The Board does not condone the use of such materials. Employees, students and parents of students must be aware that the privileges to access on-line services are withdrawn from users who do not respect the rights of others or who do not follow the rules and regulations established. A user's agreement is signed to indicate the user's acknowledgment of the risks and regulations for computer/on-line services use. The District has implemented technology-blocking measures to prevent students from accessing inappropriate material on school

computers. The District has also purchased monitoring devices which maintain a running log of Internet activity, recording which sites a particular user has visited.

"Harmful to minors" is defined as any picture, image, graphic image file or other visual depiction that:

1. taken as a whole and with respect to minors appeals to a prurient interest in nudity, sex or excretion;

2. depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts or lewd exhibition of genitals or

3. taken as a whole, lacks serious literary, artistic, political or scientific value as to minors.

Annually, a student who wishes to have computer network and Internet access during the school year must read the acceptable use and Internet safety policy and submit a properly signed agreement form. Students and staff are asked to sign a new agreement each year after reviewing the policies and regulations of the District.

[Adoption date: April 17, 2003]

LEGAL REFS.: U.S. Const. Art. I, Section 8
Family Educational Rights and Privacy Act; 20 USC 1232g et seq.
Children's Internet Protection Act; (P.L. 106-554, HR 4577, 2000, 114 Stat 2763)
ORC 1329.54-1329.67
3313.20
3319.321

CROSS REFS.: AC, Nondiscrimination
ACA, Nondiscrimination on the Basis of Gender
ACAA, Sexual Harassment
IB, Academic Freedom
IIA, Instructional Materials
JFC, Student Conduct

# COMPUTER/ON-LINE SERVICES
(Acceptable Use and Internet Safety)

The following guidelines and procedures shall be complied with by staff, students or community members who are specifically authorized to use the District's computers or on-line services.

1. Use appropriate language. Do not use profanity, obscenity or other language which may be offensive to other users. Illegal activities are strictly forbidden.
2. Do not reveal your personal home address or phone number or those of other students or colleagues.
3. Note that electronic mail (e-mail) is not guaranteed to be private. Systems managers have access to all messages relating to or in support of illegal activities and such activities may be reported to the authorities.
4. Use of the computer and/or network is not for financial gain or for any commercial or illegal activity.
5. The network should not be used in such a way that it disrupts the use of the network by others.
6. All communications and information accessible via the network should be assumed to be property of the District.
7. Rules and regulations of on-line etiquette are subject to change by the administration.
8. The user in whose name an on-line service account is issued is responsible for its proper use at all times. Users shall keep personal account numbers, home addresses and telephone numbers private. They shall use this system only under their account numbers issued by the District.
9. The system shall be used only for purposes related to education or administration. Commercial, political and/or personal use of the system is strictly prohibited. The administration reserves the right to monitor any computer activity and on-line communications for improper use.
10. Users shall not use the system to encourage the use of drugs, alcohol or tobacco nor shall they promote unethical practices or any activity prohibited by law or Board policy.
11. Users shall not view, download or transmit material that is threatening, obscene, disruptive or sexually explicit or that could be construed as harassment or disparagement of others based on their race, national origin, citizenship status, gender, sexual orientation, age, disability, religion or political beliefs.
12. Copyrighted material may not be placed on the system without the author's permission.
13. Vandalism results in the cancellation of user privileges. Vandalism includes uploading/downloading any inappropriate material, creating computer viruses and/or any malicious attempt to harm or destroy equipment or materials or the data of any other user.
14. Users shall not read other users' mail or files; they shall not attempt to interfere with other users' ability to send or receive electronic mail, nor shall they attempt to read, delete, copy, modify or forge other users' mail.
15. Users are expected to keep messages brief and use appropriate language.

16. Users shall report any security problem or misuse of the network to the teacher or the principal or immediate supervisor.

(Approval date: April 17, 2003)

# BUS DRIVERS EXAMINATION AND TRAINING

## Qualifications of School Bus Drivers

State law requires the Governing Board of an Educational Service Center to be responsible for the issuance of driver certificates for school bus drivers in those local districts falling under the jurisdiction of the Board. Certificates to operate a school bus are signed by the Board President of the Educational Service Center. Any person who has not received a certificate from the Board shall not be employed as a driver of a school bus or motor van owned or operated by the ESC. In order to receive this certificate, the bus driver must:

1. pass a physical examination each year within 90 days of applying for employment as a bus driver in the ESC;

2. be at least 18 years of age, of good moral character and qualified physically and otherwise for such a position;

3. produce a safe driving abstract each year (regular or CDL when qualified) not more than 60 days old each year when applying for a bus driving certificate in the ESC and

4. complete four hours of approved in-service training annually as required by the Ohio Pupil Transportation Operation and Safety Rules.

In accordance with State law for school bus driver physicals, all bus drivers in the county must meet the physical requirements as set forth in these standards. In addition, standards require that any person certified as physically qualified to operate a school bus must request, obtain and present to the Board an abstract (regular or CDL when qualified) of his/her driving record. This is a yearly requirement, and the driver is responsible for obtaining and paying for the cost to obtain the abstract. A new report of the State Bureau of Criminal Identification and Investigation is required every two calendar years.

When any school bus driver loses insurability or, based upon Ohio's point system for traffic violations, accumulates six traffic violation points during a 12-month period, regardless of the vehicle being driven at the time of the violation, the driver shall not be issued a certificate to drive a school bus in the ESC county for a period of two years from the date of the issuance of the sixth violation point. Furthermore, any Mahoning ESC school bus driver accumulating a total of four points for traffic violations over a 12-month period while driving a school bus shall not be issued a certificate to drive a bus in the county for a period of two years from the date of issuance of the fourth traffic violation point. When a bus driver employed by a Mahoning County local school district loses insurability or accumulates six violation points within any 12-month period, regardless of the vehicle being driven, or accumulates four violation points within a 12-month period while driving a school bus, the district superintendent shall immediately notify the ESC Superintendent.

[Adoption date: April 17, 2003]

LEGAL REF.: ORC 3327.10

CROSS REF.: GBQ, Criminal Record Check

# PRINTING AND DUPLICATING SERVICES

State law requires that all public records be promptly prepared and made available for inspection to any member of the general public at all reasonable times during regular business hours. Upon request, the person responsible for maintenance of the public records is required to make copies available at cost, within a reasonable period of time.

The Service Center provides duplicating services at a cost established by the Board at the organizational meeting. The cost applies to copies of the minutes, personnel records or other records which by law can be shared with the general public.

[Adoption date: April 17, 2003]

LEGAL REF.: PL94-553, Copyright Act of 1976

CROSS REFS.: BDDG, Minutes
GBL, Personnel Records

# COPYRIGHT

The Board conforms to existing United States copyright laws and maintains the highest ethical standards in the use of copyrighted materials for instructional purposes.

The Board encourages its staff to enrich the learning programs by making proper use of supplementary materials. It is the responsibility of the staff to abide by the copying procedures and obey the requirements of the law. Under no circumstances may employees of the District violate copyright requirements in order to perform their duties properly. The Board is not responsible for any violations of the Copyright Act by its employees.

Public Law 94-533, The Copyright Act, affects all employees because it sets guidelines regarding the duplication and use of all copyrighted materials – print, nonprint, music, computer software and others. The Superintendent is responsible for disseminating the guidelines for duplication and use of copyrighted materials to all employees.

Any employee who is uncertain as to whether the reproducing or use of copyrighted materials complies with the procedures or is permissible under law shall contact the Superintendent/ designee.

[Adoption date: April 17, 2003]

LEGAL REFS.: U.S. Const. Art. I, Section 8
Copyright Act, 17 USC 101 et seq.

# COPYRIGHT

## Educational Use of Copyrighted Print Materials

1. Fair use

   The fair use of copyrighted work for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use, the factors to be considered include the:

   A. purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
   B. nature of the copyrighted work;
   C. the amount and substantiality of the portion used in relation to the copyrighted work as a whole and
   D. effect of the use upon the potential market for or value of the copyrighted work.

2. Single copying for teachers

   A single copy may be made of any of the following by or for a teacher at his/her individual request for his/her scholarly research or use in teaching or preparation to teach a class:

   A. a chapter from a book;
   B. an article from a periodical or newspaper;
   C. a short story, short essay or short poem, whether or not from a collective work or
   D. a chart, graph, diagram, drawing, cartoon or picture from a book, periodical or newspaper.

3. Multiple copies for classroom use

   Multiple copies (not to exceed more than one copy per student in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that:

   A. the copying meets the tests of brevity, spontaneity and cumulative effect as defined below and
   B. each copy includes a notice of copyright.

      1) Brevity

         Poetry: (a) a complete poem if less than 250 words and if printed on not more than two pages or (b) from a longer poem, an excerpt of not more than 250 words.

Prose: (a) a complete article, story or essay of less than 2,500 words or (b) an excerpt of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.

Each of the numerical limits stated in “poetry” and “prose” above may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.

Illustration: one chart, graph, diagram, drawing, cartoon or picture per book or periodical issue.

Special work: certain work in poetry, prose or "poetic prose", which often combines language with illustrations, of less than 2,500 words.

A "special work" may not be reproduced in its entirety. However, an excerpt comprising not more than two of the published pages of a special work, and containing not more than 10% of the words found in the text thereof, may be reproduced.

2) Spontaneity

The copying is at the instance and inspiration of the individual teacher. The inspiration and decision to use the work, and the moment of its use for maximum teaching effectiveness, are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

3) Cumulative effect

The copying of the material is for only one course in the school in which copies are made.

Not more than one short poem, article, story or essay, or two excerpts, may be copied from the same author, nor more than three from the same collective work or periodical volume, during one class term.

The limitations stated in the preceding two paragraphs shall not apply to current news periodicals and newspapers and current news sections of other periodicals.

The limitations as to single copying for teachers and multiple copies for classroom use are applicable.

4. Prohibitions

A. Copying shall not be used to create, replace or substitute for anthologies, compilations or collective works. Such replacements or substitutions may occur

whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.

B. There shall be no copying of or from works intended to be "consumable" in the course of study or teaching. These include workbooks, exercises, standardized tests, test booklets, answer sheets and similar consumable material.

C. Copying shall not:

1) substitute for the purchase of books, publishers' reprints or periodicals;
2) be directed by higher authority or
3) be repeated with respect to the same item by the same teacher from term to term.

D. No charge shall be made to the student beyond the actual cost of the photocopying.

Educational Use of Copyrighted Music

1. Permissible uses

A. Emergency copying may be done to replace purchased copies which for any reason are not available for an imminent performance, provided purchased replacement copies shall be substituted in due course.

B. For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement or area, but in no case more than 10% of the whole work. The number of copies shall not exceed one copy per student.

C. Printed copies which have been purchased may be edited or simplified, provided that the fundamental character of the work is not distorted or that lyrics, if any, are not altered or added.

D. A single copy of recordings of performances by students may be retained by the educational institution or individual teacher.

E. A single copy of a sound recording (such as a tape, disc or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

2. Prohibitions

A. Copying shall not be used to create, replace or substitute for anthologies, compilations or collective works.

B. Copying of or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises, standardized tests, answer sheets and similar material is prohibited.

C. Copying shall not be used for the purpose of performance except as previously stated.

D. Copying shall not be used for the purpose of substituting for the purchase of music except as previously stated.

E. Copying without inclusion of the copyright notice which appears on the printed copy is prohibited.

Educational Use of Copyrighted Audio-Visual Material

1. Before reproducing small portions of sound recordings, filmstrips, slide sets, transparencies or motion pictures, or videotaping commercial television broadcasts, employees shall consult with the principal to determine whether the proposed action complies with the "fair use" principles of the Copyright Act.

2. School recordings may be made of certain instructional television programs telecast by the local Public Broadcasting Systems educational television station. Before recording the telecast, the following conditions shall be satisfied.

   A. The monthly list of programs not licensed for recording shall be consulted. Any program listed shall not be recorded.
   B. Recordings may be used in classroom or instructional settings as an educational activity or at a PTA meeting, Board meeting or similar activity.
   C. Recordings shall be used only in the facilities of the District and shall not be loaned or made available outside of those facilities.
   D. Recordings made from evening programs, which may be copied, shall be retained for no more than seven days following the telecast unless an extension is received in writing in advance. Daytime telecasts may be recorded and retained permanently unless otherwise notified.

Educational Use of Copyrighted Library Material

1. A library may make a single copy of unpublished work in order to replace it because it is damaged, deteriorated, lost or stolen, provided that an unused replacement cannot be obtained at a fair price.

2. A library may provide a single copy of copyrighted material at cost to a student or staff member.

   A. The copy must be limited to one article of a periodical issue or a small part of other material, unless the library finds that the copyrighted work cannot be

obtained elsewhere at a fair price.  Under the latter circumstances, the entire work may be copied.

B. The copy shall contain the notice of copyright, and the student or staff member shall be notified that the copy is to be used only for private study, scholarship or research. Any other use subjects the person to liability for copyright infringement.

3. At the request of the teacher, copies may be made for reserve use. The same limits apply as for single or multiple copies as previously stated.

Copying Limitations

1. Circumstances arise when personnel are uncertain whether or not copying is prohibited. In those circumstances, the Superintendent shall be contacted. If the Superintendent is uncertain, he/she shall consult with the District's legal counsel.

2. The following prohibitions have been expressly stated in federal guidelines.

   A. Reproduction of copyrighted material shall not be used to create or substitute for anthologies, compilations or collective works.
   B. Unless expressly permitted by agreement with the publisher and authorized by District action, there shall be no copying from copyrighted consumable materials such as workbooks, exercises, test booklets, answer sheets or similar materials.
   C. Employees shall not:

      1) use copies to substitute for the purchase of books, periodicals, music recordings or other copyrighted material, except as permitted by District procedure;
      2) copy or use the same items from term to term without the copyright owner's permission;
      3) copy or use more than nine instances of multiple copying of protected material in any one term;
      4) copy or use more than one short work or two excerpts from works of the same author in any one term or
      5) copy or use protected materials without including a notice of copyright. The following shall constitute a satisfactory notice:

         NOTICE: THIS MATERIAL MAY BE PROTECTED BY COPYRIGHT LAW.

3. Employees shall not reproduce or use copyrighted material at the direction of a District administrator without permission of the copyright owner.

Computer Software Copyright

The Board recognizes that computer software piracy is a major problem for the industry, and that violations of copyright laws contribute to higher costs and lessen incentives for publishers to develop effective educational software. Therefore, in an effort to discourage software piracy and to prevent such illegal activity, the District will take the following steps.

1. The ethical and practical implications of software copyright violations will be provided to all employees and students using District computer facilities and software.

2. Employees and students will be informed that they are expected to adhere to the Copyright Act and all subsequent amendments thereto governing the use of software.

3. Wherever possible, efforts will be made to secure software from being duplicated from floppy disks, hard drives or networked systems.

4. Illegal copies of copyrighted software shall not be made or used on District equipment.

5. District administrators shall be designated as the only individuals who may sign license agreements for educational software used on District computers.

6. Documentation of licenses for software used on District computers will be located at the site where the software is being used.

Unsupervised Copy Equipment

The following notice, in large type, shall be affixed to all District copying equipment (Xerox, Thermofax, audiotape recorder, videotape recorder and copy camera):

NOTICE: THE COPYRIGHT LAW OF THE UNITED STATES GOVERNS THE MAKING OF COPIES OF COPYRIGHTED MATERIAL. THE PERSON USING THIS EQUIPMENT IS LIABLE FOR ANY INFRINGEMENT.

Library Copying for Students or Staff

1. The following notice, in large type, shall be posted prominently where copies are made available to students or staff:

   NOTICE: THE COPYRIGHT LAW OF THE UNITED STATES GOVERNS THE MAKING OF COPIES OF COPYRIGHTED MATERIAL.

2. The following notice, in large type, shall be posted prominently where print copies are made available to students and/or staff:

   WARNING CONCERNING COPYRIGHT RESTRICTIONS

   THE COPYRIGHT LAW OF THE UNITED STATES GOVERNS THE MAKING OF COPIES OR OTHER REPRODUCTION OF COPYRIGHTED MATERIAL.

UNDER CERTAIN CONDITIONS SPECIFIED IN THE LAW, LIBRARIES AND ARCHIVES ARE AUTHORIZED TO FURNISH A PHOTOCOPY OR OTHER REPRODUCTION. ONE OF THESE SPECIFIED CONDITIONS IS THAT THE PHOTOCOPY OR REPRODUCTION IS NOT TO BE "USED FOR ANY PURPOSE OTHER THAN PRIVATE STUDY, SCHOLARSHIP OR RESEARCH." IF A USER MAKES A REQUEST FOR, OR LATER USES, A PHOTOCOPY OR REPRODUCTION FOR PURPOSES IN EXCESS OF "FAIR USE," THAT USER MAY BE LIABLE FOR COPYRIGHT INFRINGEMENT.

THIS INSTITUTION RESERVES THE RIGHT TO REFUSE TO ACCEPT A COPYING ORDER IF, IN ITS JUDGMENT, FULFILLMENT OF THE ORDER WOULD INVOLVE VIOLATION OF COPYRIGHT LAW.

(Approval date: April 17, 2003)

# TELEPHONE SERVICES

District telephones are provided for official school use. In order to permit staff members to make necessary personal calls with minimum loss of time, certain telephones may be used for personal calls. Staff members making personal calls are responsible for and shall pay any long distance and/or toll charges.

Students are not to use the school office telephones, except in cases of emergency. Use of pay telephones by students while classes are in session is subject to the approval of authorized school personnel.

Cellular telephones may be provided to staff members whose role and responsibilities justify on-the-job cellular telephone access. Employees using cell phones while driving is discouraged.

The Board authorizes the Superintendent or his/her designee to develop administrative guidelines for the proper handling of use and charges.

[Adoption date: April 17, 2003]

LEGAL REFS.: ORC 3313.20
OAC 3301-35-06

CROSS REFS.: Student Handbooks
Staff Handbooks

# DATA AND RECORDS RETENTION

All records[1] are the property of the Service Center and shall not be removed, destroyed, mutilated, transferred, or otherwise damaged or disposed of, in whole or in part, except as provided by law or under the rules adopted by the Educational Service Center Records Commission. Such records shall be delivered by outgoing officials and employees to their successors and shall not be otherwise removed, transferred or destroyed unlawfully.

The ESC Records Commission is composed of the President, the Treasurer of the Board and the Superintendent. The commission shall meet at least once every 12 months.

The functions of the commission shall be to review applications for one-time records disposal and schedules of records retention and disposition submitted by the records officer or any local school district. Records may be disposed of by the commission pursuant to the procedure outlined below. The commission may at any time review any schedule it has previously approved and for good cause shown may revise that schedule.

The Superintendent shall designate a "Records Officer" who is be responsible for all aspects of records retention.

When records have been approved for disposal, the records commission shall send a list of such records to the Auditor of State. If he/she disapproves the action by the commission, in whole or in part, he/she shall so inform the commission within a period of 60 days and these records shall not be destroyed. Before public records are disposed of, the Ohio Historical Society shall be informed and given the opportunity for a period of 60 days to select for its custody such public records as it considers to be of continuing historical value.[2]

[Adoption date: April 17, 2003]

LEGAL REFS.: ORC 9.01
149.35, 149.41; 149.43
3313.29
3319.311; 3319.321
3701.028
3729.46
Family Educational Rights and Privacy Act; 20 USC 1232g et seq.
Auditor of State Circular Form RC-1(12/22/94)

CROSS REFS.: Application for One-time Records Disposal Form RC-2 (12/22/94)
Auditor of State letter dated March 4, 1997

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[1]Records includes any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of the school district which serves to

document the organization, functions, policies, decisions, procedures, operations, or other activities of the school district. Section149.011 ORC.

[2]The Historical Society may not review or select for its custody the records set forth in Section 149.41 (A) and (B) ORC.

# INSURANCE MANAGEMENT

The Board has the responsibility to maintain an adequate and comprehensive insurance program covering its equipment, vehicles and individuals discharging responsibilities for the Service Center.

The Treasurer or his/her designee has the responsibility of administering the total insurance program.

The Service Center makes efforts to obtain insurance at the most economical cost, consistent with required coverage and service, through obtaining quotations or bids.

The Board insures itself as an entity, members of the Board individually, administrators and all other employees against liability for damages for death, injury to a person, or damage or loss of property caused by the negligent act or omission of the member, officer, or employee when acting within the scope of his/her office or equipment. The amount of such coverage is determined annually by the Board.

[Adoption date: April 17, 2003]

LEGAL REFS.: ORC 9.83; 9.90
3313.201; 3313.202; 3313.203
3327.09
3917.01; 3917.04

CONTRACT REF.: Mahoning County Educational Service Center Employees' Association