

**REGULAR MEETING
THE BOARD OF EDUCATION OF
YOUNGSTOWN CITY SCHOOL DISTRICT
YOUNGSTOWN, OHIO**

20 West Wood Street

November 22, 2011

The Youngstown Board of Education met in regular session at the I.L. Ward Building on November 22, 2011. President Lock P. Beachum, Sr. called the meeting to order at 5:30 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: Hanni, Mahone, Murphy, Atkinson, Beachum, Catale, Drennen
Members absent: None

Board members discussed agenda items.

EXECUTIVE SESSION

At 5:46 p.m. Mr. Murphy moved, seconded by Ms. Hanni 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: Hanni, Mahone, Murphy, Atkinson, Beachum, Catale, Drennen
Nays: None

Board members came out of executive session, and
the regular portion of the meeting reconvened at 6:00 p.m.

APPROVAL OF AGENDA

As the first item of business, Mr. Beachum called for a motion approving the agenda. Mr. Murphy moved that the agenda be approved as amended with the addition of Resolution No. 260-11, Resolution to Proceed with Submission to Electors the Question of Renewing a Portion of an Existing Tax Levy. It was seconded by Mr. Atkinson, and on roll call vote the results were as follows:

Ayes: Hanni, Mahone, Murphy, Atkinson, Beachum, Catale, Drennen
Nays: None

Motion carried, and the agenda was approved as amended.

APPROVAL OF MINUTES

Mr. Murphy moved, seconded by Ms. Drennen that the minutes of the regular board meeting of November 10, 2011 along with the special meeting of November 3, 2011 be approved as presented. On roll call vote the results were as follows:

Ayes: Hanni, Mahone, Murphy, Atkinson, Beachum, Catale, Drennen

Nays: None

Motion carried, and minutes were approved as presented.

COMMUNICATIONS

There were no oral or written communications.

CITIZEN PARTICIPATION

President Beachum called for citizen participation. Tom Anderson introduced Mary Therese Young, pre-school teacher at Williamson Elementary School. Ms. Young presented information regarding the SPARKS Program.

COMMITTEE REPORTS

Anthony Catale, Finance/Accounting/Investments Committee; Andrea Mahone, Legal/Legislative/Policy Committee; Michael Murphy, Business/Non-Instructional/Non-Certified Committee; Richard Atkinson, Extra Curricular/Sports Committee and June Drennen, Certificated Personnel/Community Relations/Speakers Bureau Committee spoke to committee meeting information, noted future meeting dates and recommended passage of resolutions pertaining to their committees.

STUDENT BOARD MEMBERS

Leon Robinson, Jr., Youngstown Early College; Patricia Sharp, East High School and Janae Ward, Chaney High School presented information on numerous activities at their schools.

FACILITIES REPORT

Harry Evans, chief of operations, had no report at this time.

BOARD PRESIDENT'S REPORT

President Beachum had no report at this time but he noted that the newly elected board members will be sworn in prior to the Organizational Meeting of January 3, 2012.

EXECUTIVE REPORTS

Mr. Johnson, treasurer, previously presented his report during the caucus session.

Superintendent Hathorn commended the Board on the progress that has taken place throughout the district.

NEW BUSINESS

CONSENT AGENDA

Mr. Murphy offered a motion to place Resolution No. 245-11 through Resolution No. 259-11 on a Consent Agenda with a separate vote to be taken on Resolution No. 260-11. Ms. Hanni seconded the motion, and on roll call vote the results were as follows:

Ayes: Hanni, Mahone, Murphy, Atkinson, Beachum, Catale, Drennen
Nays: None

Motion carried.

Mr. Beachum then entertained a motion to adopt the Consent Agenda. Mr. Murphy moved adoption of the Consent Agenda, seconded by Ms. Hanni which included Resolution No. 245-11 through Resolution No. 259-11 summarized as follows:

Ayes: Hanni, Mahone, Murphy, Atkinson, Beachum, Catale, Drennen
Nays: None

Motion carried.

**The Public Schools
Youngstown, Ohio
Office of the Treasurer**

RESOLUTION NO. 245-11

**CASH FUND STATEMENT AND FIVE (5) YEAR MODEL
OCTOBER 2011**

WHEREAS, in accordance with maintaining an accurate picture of all the funds of Youngstown City School District monthly cash fund statements and five (5) year model are prepared;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of Youngstown City School District hereby accepts and approves the October 2011, Cash Fund Statement and Five (5) Year Model.

Mr. Murphy moved, seconded by Ms. Hanni that the foregoing resolution be adopted.

Ayes: Hanni, Mahone, Murphy, Atkinson, Beachum, Catale, Drennen
Nays: None

Motion carried.

11/22/11

**The Public Schools
Youngstown, Ohio
Office of the Treasurer**

RESOLUTION NO. 246-11

**APPOINTMENT AND REAPPOINTMENT OF
ADMINISTRATIVE OFFICERS AND CASHIERS
FOR SCHOOL ACTIVITY PROGRAMS**

WHEREAS, the 107th General Assembly enacted Section 3315.062, Ohio Revised Code, placing the responsibility on the Board of Education for a uniform system of accounting for all Student Activity Programs; and

WHEREAS, guidelines for School Activity Programs were adopted by the State Board of Education as authorized by Section 3315.062, Ohio Revised Code; and

WHEREAS, the Bureau of Inspection and Supervision of Public Offices has established a system of accounting and procedures for Student Activity Programs in the State of Ohio;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of Youngstown City School District that in accordance with the Revised Accounting Principles and Procedures for Activity Funds adopted by the Bureau of Inspection and Supervision of Public Offices, Circular 81-9, and Section 3315.062, Ohio Revised Code, and adopted by the Youngstown Board of Education April 19, 1983 (Resolution No. 56-83);

1. That the following administrative officers be appointed at each school within Youngstown City School System authorized to approve expenditures from the Activity Funds and other duties as prescribed by Circular 81-9.

<u>SCHOOL</u>	<u>PRINCIPAL</u>	<u>PRINCIPAL</u>	<u>SCHOOL</u>
P.C. Bunn	William Baun	P. Ross Berry	Cindy Christoff
Harding	Diane Guarnieri	Rayen Early College	Deborah DiFrancesco
Kirkmere	Donna Cox-Bing	Volney	Diane Hunsbarger
M.L. King	Catherine Dorbish	Chaney	Richard Gozur
Taft	Michael Flood	East	Holly Seimetz
W.H. McGuffey	Rachael Smith	Choffin	Joseph Meranto
Williamson	Wanda Clark	YEC	Michele Dotson
		Wilson	Jerome Harrell
		UPLC	Larry Johnson

Resolution No. 246-11 continued

2. That the following cashiers be appointed at each school within Youngstown City School District, and a blanket position bond in an amount with surety to be approved by the Board. Such bond shall be payable to the Board and be deposited with the president of the Board of Education.

<u>SCHOOL</u>	<u>CLERK CUSTODIAN</u>	<u>SCHOOL</u>	<u>CLERK CUSTODIAN</u>
P.C. Bunn	Dorothy McCullough	P. Ross Berry	Janice Ross
Harding	Paula Gluck	Rayen Early College	Debbie DiFrancesco
Kirkmere	Lora Gayan	Volney Rogers	Nella Flack
M.L. King	Thelma Brown	Chaney	Madonna Barwick
Taft	Lois Thornton	East	Marco Marinucci
W.H. McGuffey	Renita Dodson	Choffin	Lesley Lewis
Williamson	Nancye Washington	YEC	Henry Brew
		Wilson	Terri Malloy
		UPLC	Marlene DePinto

Mr. Murphy moved, seconded by Ms. Hanni that the foregoing resolution be adopted.

Ayes: Hanni, Mahone, Murphy, Atkinson, Beachum, Catale, Drennen

Nays: None

Motion carried.

11/22/11

**The Public Schools
Youngstown, Ohio
Office of the Superintendent**

RESOLUTION NO. 247-11

**RESOLUTION TO ADOPT POLICY
ON NONDISCRIMINATION BASED ON
GENETIC INFORMATION OF THE EMPLOYEE
(ADMINISTRATION)**

WHEREAS, the Board of Education of the Youngstown City School District prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment; and

WHEREAS, the Superintendent has developed and recommended to this Board adoption of the attached policy entitled “Nondiscrimination Based on Genetic Information of the Employee.”

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of the Youngstown City School District that the policy entitled, “Nondiscrimination Based on Genetic Information of the Employee,” recommended by the Superintendent, a copy of which is attached hereto and incorporated herein and incorporated herein by this reference, is hereby ratified, approved and adopted by the Board.

Mr. Murphy moved, seconded by Ms. Hanni that the foregoing resolution be adopted.

Ayes: Hanni, Mahone, Murphy, Atkinson, Beachum, Catale, Drennen

Nays: None

Motion carried.

11/22/11

BOARD OF EDUCATION

ADMINISTRATION

**NONDISCRIMINATION BASED ON GENETIC INFORMATION
OF THE EMPLOYEE**

The Board of Education prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of his/her genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

In accordance with the Genetic Information Act (GINA), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with this Act, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application process.

The District recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows or the Internet. The District prohibits, however, its employees from searching such sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information.

"Genetic information," as defined by GINA, means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

If the District either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment or a medical provider it shall be treated as a confidential medical record in accordance with law.

The Superintendent shall appoint a compliance officer who shall be responsible for overseeing the District's compliance with Federal regulations and promptly dealing with any inquiries or complaints. S/He shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all District requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II, including the Board of Education, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

The District offers health services. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to his/her health services providers, but only genetic information in aggregate form will be provided to the Board.

**42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635**

Adopted:

**The Public Schools
Youngstown, Ohio
Office of the Superintendent**

RESOLUTION NO. 248-11

**RESOLUTION TO ADOPT POLICY
ON NONDISCRIMINATION BASED ON
GENETIC INFORMATION OF THE EMPLOYEE
(PROFESSIONAL STAFF)**

WHEREAS, the Board of Education of the Youngstown City School District adopted a policy prohibiting discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment; and

WHEREAS, the Board has caused its policy to be reviewed by the Superintendent and his designees to obtain a recommendation as to updating such policy with revisions as are necessary and appropriate; and

WHEREAS, the Superintendent has recommended that the Board adopt the replacement policy entitled “Nondiscrimination Based on Genetic Information of the Employee” at Section 3122.02 of its Policy Manual.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of the Youngstown City School District hereby ratifies, approves and adopts the replacement policy entitled, “Nondiscrimination Based on Genetic Information of the Employee,” a copy of which is attached hereto and made a part hereof by this reference.

Mr. Murphy moved, seconded by Ms. Hanni that the foregoing resolution be adopted.

Ayes: Hanni, Mahone, Murphy, Atkinson, Beachum, Catale, Drennen
Nays: None

Motion carried.

11/22/11

**NONDISCRIMINATION BASED ON GENETIC
INFORMATION OF THE EMPLOYEE**

The Board of Education prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of his/her genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

In accordance with the Genetic Information Act (GINA), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with this Act, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application process.

The District recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows or the Internet. The District prohibits, however, its employees from searching such sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information.

"Genetic information," as defined by GINA, means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); ~~(d)~~ an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

If the District either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant

for employment or a medical provider it shall be treated as a confidential medical record in accordance with law.

The Superintendent shall appoint a compliance officer who shall be responsible for overseeing the District's compliance with Federal regulations and promptly dealing with any inquiries or complaints. S/He shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all District requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II, including the Board of Education, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

The District offers health services. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to his/her health services providers, but only genetic information in aggregate form will be provided to the Board.

[NOTE: It should be noted that any sections of the District's collective bargaining agreements dealing with terms and conditions of employment should contain a statement of nondiscrimination similar to that in the Board's statement above.]

**42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635**

Adopted: 6/08/10

**The Public Schools
Youngstown, Ohio
Office of the Superintendent**

RESOLUTION NO. 249-11

**RESOLUTION TO ADOPT POLICY
ON NONDISCRIMINATION BASED ON
GENETIC INFORMATION OF THE EMPLOYEE
(CLASSIFIED STAFF)**

WHEREAS, the Board of Education of the Youngstown City School District adopted a policy prohibiting discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment; and

WHEREAS, the Board has caused its policy to be reviewed by the Superintendent and his designees to obtain a recommendation as to updating such policy with revisions as are necessary and appropriate; and

WHEREAS, the Superintendent has recommended that the Board adopt the replacement policy entitled “Nondiscrimination Based on Genetic Information of the Employee” at Section 4122.02 of its Policy Manual.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of the Youngstown City School District hereby ratifies, approves and adopts the replacement policy entitled, “Nondiscrimination Based on Genetic Information of the Employee,” a copy of which is attached hereto and made a part hereof by this reference.

Mr. Murphy moved, seconded by Ms. Hanni that the foregoing resolution be adopted.

Ayes: Hanni, Mahone, Murphy, Atkinson, Beachum, Catale, Drennen
Nays: None

Motion carried.

11/22/11

**NONDISCRIMINATION BASED ON GENETIC
INFORMATION OF THE EMPLOYEE**

The Board of Education prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of his/her genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

In accordance with the Genetic Information Act (GINA), the Board shall not request, require or purchase genetic information of employees, their family members or applicants for employment. Further, in compliance with this Act, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application process.

The District recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows or the Internet. The District prohibits, however, its employees from searching such sources with the intent of finding or obtaining genetic information, or accessing sources from which they are likely to acquire genetic information.

"Genetic information," as defined by GINA, means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

If the District either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment or a medical provider it shall be treated as a confidential medical record in accordance with law.

The Superintendent shall appoint a compliance officer who shall be responsible for overseeing the District's compliance with Federal regulations and promptly dealing with any inquiries or complaints. S/He shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all District requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II, including the Board of Education, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

[The District offers health services. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to his/her health services providers, but only genetic information in aggregate form will be provided to the Board.]

[NOTE: It should be noted that any sections of the District's collective bargaining agreements dealing with terms and conditions of employment should contain a statement of nondiscrimination similar to that in the Board's statement above.]

**42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635**

Adopted: 6/8/10

**The Public Schools
Youngstown, Ohio
Office of the Superintendent**

RESOLUTION NO. 250-11

**RESOLUTION TO ADOPT POLICY
ON SECTION 504/ADA
PROHIBITION AGAINST DISABILITY IN EMPLOYMENT
(ADMINISTRATION)**

WHEREAS, the Board of Education of the Youngstown City School District prohibits discrimination against any employee or applicant based upon his/her disability; and

WHEREAS, the Superintendent has developed and recommended to this Board adoption of the attached policy entitled “Section 504/ADA Prohibition Against Disability Discrimination in Employment.”

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of the Youngstown City School District that the policy entitled, “Section 504/ADA Prohibition Against Disability Discrimination in Employment,” recommended by the Superintendent, a copy of which is attached hereto and incorporated herein by this reference, is hereby ratified, approved and adopted by this Board.

Mr. Murphy moved, seconded by Ms. Hanni that the foregoing resolution be adopted.

Ayes: Hanni, Mahone, Murphy, Atkinson, Beachum, Catale, Drennen
Nays: None

Motion carried.

11/22/11

**SECTION 504/ADA
PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

The Board of Education prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not necessarily required for an individual who is merely regarded as having a disability.

District Compliance Officers

The following persons are designated as the District's Section 504 Compliance Officer and the District's ADA Compliance Officer:

Issues concerning Section 504

**Marla Jolliff
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.)
Marla.Jolliff@youngstown.k12.oh.us**

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

**Karen Green
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.)
Karen.Green@youngstown.k12.oh.us**

The District Compliance Officers are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officer.

The District Compliance Officers will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA.

Training

The District Compliance Officers will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's Compliance Officer(s) will be posted throughout the District, and published in the District's recruitment statements or general information publications.

29 C.F.R. Part 1630

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended

34 C.F.R. Part 104

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

Adopted:

**The Public Schools
Youngstown, Ohio
Office of the Superintendent**

RESOLUTION NO. 251-11

**RESOLUTION TO ADOPT POLICY
ON SECTION 504/ADA
PROHIBITION AGAINST DISABILITY IN EMPLOYMENT
(PROFESSIONAL STAFF)**

WHEREAS, the Board of Education of the Youngstown City School District prohibits discrimination against any employee or applicant based upon his/her disability; and

WHEREAS, the Superintendent has developed and recommended to this Board adoption of the attached policy entitled “Section 504/ADA Prohibition Against Disability Discrimination in Employment.”

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of the Youngstown City School District that the policy entitled, “Section 504/ADA Prohibition Against Disability Discrimination in Employment,” recommended by the Superintendent, a copy of which is attached hereto and incorporated herein by this reference, is hereby ratified, approved and adopted by this Board.

Mr. Murphy moved, seconded by Ms. Hanni that the foregoing resolution be adopted.

Ayes: Hanni, Mahone, Murphy, Atkinson, Beachum, Catale, Drennen
Nays: None

Motion carried.

11/22/11

**SECTION 504/ADA
PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

The Board of Education prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

District Compliance Officers

The following persons are designated as the District's Section 504 Compliance Officer and the District's ADA Compliance Officers:

Issues concerning Section 504

**Marla Jolliff
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.)
Marla.Jolliff@youngstown.k12.oh.us**

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

**Karen Green
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.)
Karen.Green@youngstown.k12.oh.us**

The District Compliance Officers responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officers.

The District Compliance Officers will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA.

Training

The District Compliance Officers will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's Compliance Officer(s) will be posted throughout the District, and published in the District's recruitment statements or general information publications.

29 C.F.R. Part 1630

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended

34 C.F.R. Part 104

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

**The Public Schools
Youngstown, Ohio
Office of the Superintendent**

RESOLUTION NO. 252-11

**RESOLUTION TO ADOPT POLICY
ON SECTION 504/ADA
PROHIBITION AGAINST DISABILITY IN EMPLOYMENT
(CLASSIFIED STAFF)**

WHEREAS, the Board of Education of the Youngstown City School District prohibits discrimination against any employee or applicant based upon his/her disability; and

WHEREAS, the Superintendent has developed and recommended to this Board adoption of the attached policy entitled “Section 504/ADA Prohibition Against Disability Discrimination in Employment.”

NOW, THEREFORE, BE IT RESOLVED, by the Board of Education of the Youngstown City School District that the policy entitled, “Section 504/ADA Prohibition Against Disability Discrimination in Employment,” recommended by the Superintendent, a copy of which is attached hereto and incorporated herein by this reference, is hereby ratified, approved and adopted by this Board.

Mr. Murphy moved, seconded by Ms. Hanni that the foregoing resolution be adopted.

Ayes: Hanni, Mahone, Murphy, Atkinson, Beachum, Catale, Drennen
Nays: None

Motion carried.

11/22/11

**SECTION 504/ADA
PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

The Board of Education prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or

adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

District Compliance Officers

The following persons are designated as the District's Section 504 Compliance Officer and the District's ADA Compliance Officers:

Issues concerning Section 504

**Marla Jolliff
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.)
Marla.Jolliff@youngstown.k12.oh.us**

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

**Karen Green
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.)
Karen.Green@youngstown.k12.oh.us**

The District Compliance Officers are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officers.

The District Compliance Officers will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA.

Training

The District Compliance Officers will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's Compliance Officer(s) will be posted throughout the District, and published in the District's recruitment statements or general information publications.

29 C.F.R. Part 1630

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended

34 C.F.R. Part 104

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

Adopted:

**The Public Schools
Youngstown, Ohio
Office of the Superintendent**

RESOLUTION NO. 253-11

**RESOLUTION TO APPROVE REVISED POLICY
ON SECTION 504/ADA PROHIBITION AGAINST
DISCRIMINATION BASED ON DISABILITY**

WHEREAS, the Board of Education of the Youngstown City School District pursuant to 34 C.F.R. Part 104, and 29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended, 42 U.S.C. 12101 et. seq., and Americans with Disabilities Act of 1990, as amended, adopted a policy to enforce laws and regulations regarding discrimination based on disability; and

WHEREAS, the Board has caused its policy to be reviewed by the Superintendent and his designees to obtain a recommendation as to updating such policy with revisions as are necessary and appropriate; and

WHEREAS, the Superintendent has recommended that the Board adopt the revised policy entitled "Section 504/ADA Prohibition Against Discrimination Based on Disability" at Section 2260.01 of its Policy Manual.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of the Youngstown City School District hereby ratifies, approves and adopts the revised policy entitled "Section 504/ADA Prohibition Against Discrimination Based on Disability," a copy of which is attached hereto and made a part hereof by this reference.

Mr. Murphy moved, seconded by Ms. Hanni that the foregoing resolution be adopted.

Ayes: Hanni, Mahone, Murphy, Atkinson, Beachum, Catale, Drennen
Nays: None

Motion carried.

11/22/11

**SECTION 504/ADA
PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY**

Pursuant to Section 504 of the Rehabilitation Act of 1973 (**Section 504**), **the Americans with Disabilities Act of 1990, as amended, (“ADA”)**, and the implementing regulations (**collectively** ("Section 504/ADA"), no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Board of Education does not discriminate in admission or access to, or participation in, or treatment, or employment in, its programs or activities. As such, the Board's policies and practices will not discriminate against employees and students with disabilities, will provide equal opportunity for employment, and will make accessible to qualified individuals with disabilities its facilities, programs, and activities. No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the District.

“An individual with a disability” means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

With respect to public preschool, elementary and secondary educational services, a qualified person with a disability means a disabled person:

- A. who is of an age during which nondisabled persons are provided educational services;
- B. who is of any age during which it is mandatory under Ohio law to provide educational services to disabled persons; or
- C. to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

With respect to vocational education services, a qualified person with a disability means a disabled person who meets the academic and technical standards requisite to admission or participation in the vocational program or activity.

District Compliance Officers

The following persons are designated as the District's Section 504 Compliance Officer and the District's ADA Compliance Officer:

Issues concerning Section 504

Marla Jolliff
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.)
Marla.Jolliff@youngstown.k12.oh.us

Issues concerning ADA
(Americans with Disabilities Act)

Karen Green
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.)
Karen.Green@youngstown.k12.oh.us

The District Compliance Officers are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the ADA. A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officers.

The District Compliance Officers will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. The Board will further establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing.

Training

The District Compliance Officers will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. Programs and activities will be designed and scheduled so that the location and nature of the facility or area will not deny a student with a disability the opportunity to participate on the same basis as students without disabilities.

Education

The Board is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who are disabled within the definition of Section 504, regardless of the nature or severity of their disabilities.

If a student has a physical or mental impairment that significantly limits one or more major life activities, the Board will provide the student with a free appropriate public education. An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For disabled students who are not eligible for specially designed instruction under the IDEA, the related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of nondisabled students are met, shall be delineated, along with their placement, in a Section 504 Plan (Form 2260.01A F13). Parents/guardians/custodians ("parents") are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan.

The Board is committed to educating (or providing for the education of) each qualified person with a disability who resides within the District with persons who are not disabled to the maximum extent appropriate. Generally, the District will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment, even with the use of supplementary aids and services cannot be achieved satisfactorily. If the District places a person in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home.

The **Board** will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. Non-academic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interests groups or clubs sponsored by the District, referrals to agencies that provide assistance to persons with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods, and non-academic and extracurricular services and activities, including those listed above, the District will verify that persons with disabilities participate with persons without disabilities in such services and activities to the maximum extent appropriate.

**BOARD OF EDUCATION
YOUNGSTOWN CITY SCHOOL DISTRICT**

**PROGRAM
2260.01/page 5 of 5**

Notice

Notice of the Board's policy on nondiscrimination in employment and education practices and the identity of the District's Compliance Officer(s) will be posted throughout the District, and published in the District's recruitment statements or general information publications.

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended

34 C.F.R. Part 104

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

Adopted: 3/13/07

Revised: 10/28/08

Revised: 7/27/10

Revised: 2/14/11

**The Public Schools
Youngstown, Ohio
Office of the Superintendent**

RESOLUTION NO. 254-11

**RESOLUTION TO APPROVE REVISED POLICY
ON INTER-DISTRICT OPEN ENROLLMENT**

WHEREAS, the Board of Education of the Youngstown City School District adopted a policy permitting the enrollment of students from any Ohio District in a school or program of this District, providing each enrollment is in accordance with laws and regulations of the state concerning Inter-District Open Enrollment; and

WHEREAS, the Board has caused its policy to be reviewed by the Superintendent and his designees to obtain a recommendation as to updating such policy with revisions as are necessary and appropriate; and

WHEREAS, the Superintendent has recommended that the Board adopt the revised policy entitled "Inter-District Open Enrollment" at Section 5113 of its Policy Manual.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of the Youngstown City School District hereby ratifies, approves and adopts the revised policy entitled "Inter-District Open Enrollment," a copy of which is attached hereto and made a part hereof by this reference.

Mr. Murphy moved, seconded by Ms. Hanni that the foregoing resolution be adopted.

Ayes: Hanni, Mahone, Murphy, Atkinson, Beachum, Catale, Drennen
Nays: None

Motion carried.

11/22/11

INTER-DISTRICT OPEN ENROLLMENT

The Board of Education shall permit the enrollment of students from any Ohio district in a school or program of this District, provided each enrollment is in accordance with laws and regulations of the State concerning Inter-District Open Enrollment, the provisions of this policy, and the administrative guidelines established to implement this policy.

The following definitions shall apply:

Home District

The school district from which the student emanates.

Open Enrollment

State-mandated options, policies, and regulations concerning the Board's authority to adopt resolutions regarding intra-district and inter-district enrollment policies and guidelines. Inter-district open enrollment permits the admission of students to this District from adjacent districts or any other district in Ohio.

District Student

A student who resides in this District and is referred to in the statute as a Resident Native Student.

Other-District

Any school district in Ohio.

Other-District Student

A resident student of any other district who enrolls, or seeks to enroll, in this District.

Tuition Student

A nonresident student who is enrolled in this District on a tuition basis.

Program

Any one of the specific course offerings of this District.

Program Size

The restrictions on a number of students in a program due to circumstances unique to that specific program, the terms of a collectively-bargained, negotiated agreement, and/or financial or operating conditions of the District.

Racial Balance

"Racial" refers to minorities classified as African-American, Asian-American, Hispanic-American, or Native-American students. "Balance" refers to the percentage of "racial" students in a District program, classroom, or school.

Racially Isolated Building

A racially isolated building refers to a School District building in which the racial composition of the students varies significantly from the overall composition of the School District.

Maintaining Appropriate Racial Balance

Given our diverse society and the importance of preparing students for education, work, and citizenship, the Board is committed to providing students with equal educational opportunities, promoting educational diversity in the District, and providing students with the educational benefits of a diverse student body. To that end, the Board will give individual consideration to each applicant seeking enrollment under this policy, so that all factors that may contribute to student body diversity are meaningfully considered in admissions decisions. It is the intent of the Board to maintain an appropriate racial balance as required by law. Should a concern arise regarding racial balance in one or more of the District's schools, the Superintendent shall consult with legal counsel to determine the appropriate steps that should be taken, including, but not limited to, any necessary policy revisions and other actions necessary to comply with State and Federal law. The Superintendent shall then make the appropriate recommendations to the Board.

The Superintendent shall prepare guidelines for the implementation of this policy in ways that comply with relevant State laws and guidelines and establish procedures that provide for the following:

- A. Nondiscrimination on the basis of grade level, including preschool disabled; academic ability; English language proficiency; or any level of artistic, athletic, or extra-curricular skills. A student's application cannot be denied because of disciplinary action in his/her home school, except for a suspension or expulsion for ten (10) consecutive days or more that occurs in the current semester or the semester immediately preceding the application. If the District does not currently provide services required for a disabled, adjacent-district student, his/her application may be denied.
- B. Application procedures including the criteria by which applications from adjacent-district and other-district students shall be reviewed and prioritized. **District students and any adjacent-district or other-school district students previously enrolled under the provisions of this policy shall be given priority.**
- C. Maintenance of appropriate racial balance in District schools, classrooms, and programs.
- D. Communications with applicants and their parents concerning this policy and the District's guidelines, including the timelines for application and notification of acceptance or rejection.
- E. Athletic eligibility complies with State regulations and the provisions set forth by the Ohio High School Athletic Association.
- F. Any transportation provided by the District for an adjacent-district or other-district student takes place within established bus routes and bus stops within the District.
- G. Set District capacity limits by grade level, school building, and educational program.

The Board reserves the right to object to the Open Enrollment of a District student to another district in order to maintain an appropriate racial balance. If the Board of a student's home school district objects to a transfer of one of its students to this District for the same reason, this Board will deny the transfer unless the tuition fee is paid for the student.

**BOARD OF EDUCATION
YOUNGSTOWN CITY SCHOOL DISTRICT**

**STUDENTS
5113/page 4 of 4**

This policy shall be reviewed annually by the Board to determine whether to adopt a resolution to continue the policy or to rescind Inter-District Open Enrollment. **Additionally, the Superintendent shall annually review the level of diversity existing within the District's programs, grades and/or schools to assess whether the application of this policy has resulted in an adverse effect on racial balance. As a part of his/her review, the Superintendent will be responsible for determining whether there is a legal basis for the Board to use the "maintenance of appropriate racial balance" language of R.C. 3313.98. Should this review indicate that the racial balance in one or more of the District's programs, grades and/or schools has been adversely affected, the Superintendent shall consult with legal counsel to determine what, if any, appropriate steps should be taken, including, but not limited to, policy revisions or other actions necessary to comply with State and Federal law.** The Board reserves the right to modify the conditions under which Inter-District Open Enrollment would continue for any particular program, classroom, or school.

R.C. 3313.98

Adopted: 8/24/04

Revised:

**The Public Schools
Youngstown, Ohio
Office of the Superintendent**

RESOLUTION NO. 255-11

**RESOLUTION TO APPROVE REVISED POLICY
ON SCHOOL CHOICE OPTIONS PROVIDED BY
THE NO CHILD LEFT BEHIND ACT**

WHEREAS, the Board of Education of the Youngstown City School District adopted a policy to enforce the laws and regulations regarding the *No Child Left Behind Act of 2001* (“NCLBA”); and

WHEREAS, the Board has caused its policy to be reviewed by the Superintendent and his designees to obtain a recommendation as to updating such policy with revisions as are necessary and appropriate; and

WHEREAS, the Superintendent has recommended that the Board adopt the revised policy entitled “School Choice Options Provided by the No Child Left Behind Act” at Section 5113.02 of its Policy Manual.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education of the Youngstown City School District hereby ratifies, approves and adopts the revised policy entitled “School Choice Options Provided by the No Child Left Behind Act,” a copy of which is attached hereto and made a part hereof by this reference.

Mr. Murphy moved, seconded by Ms. Hanni that the foregoing resolution be adopted.

Ayes: Hanni, Mahone, Murphy, Atkinson, Beachum, Catale, Drennen
Nays: None

Motion carried.

11/22/11

**SCHOOL CHOICE OPTIONS PROVIDED BY
THE NO CHILD LEFT BEHIND ACT**

The Board of Education acknowledges that the Federal *No Child Left Behind Act of 2001 ("NCLBA")* provides that the parents/guardians of students enrolled in a Title I school **the first year following the building's identification as being in "School Improvement"**, have the right to transfer their children to another school in the District, provided there is a school that provides instruction at the students' grade level(s) and such school has not been identified as being in the process of school improvement, corrective action, or restructuring. If there is not another school in the District offering instruction at the students' grade level(s) that has not been identified as needing improvement, the Superintendent shall contact neighboring districts and request that they permit students to transfer to a school in one of those districts. The Superintendent shall also offer Supplemental Educational Services (SES) **to students in any school no later than the first year following the building's identification as being in "School Improvement," regardless of whether a transfer option is available.**

Additionally, students attending a "persistently dangerous" school, as defined by State law have the right to transfer to another "safe" school in the District. If there is not another "safe" school in the District providing instruction at the students' grade level(s), the Superintendent shall contact neighboring districts and request that they permit students to transfer to a school in one of those districts.

Furthermore, a student who is a victim of a "violent crime" on school property also has the right to transfer to another school. If there is not another school in the District providing instruction at the student's grade level, the Superintendent shall contact neighboring districts and request that they permit that student to transfer to a school in one of those districts providing instruction at the student's grade level.

The Board of Education authorizes such transfers in accordance with AG 5113.02.

Children who transfer in accordance with this policy will be permitted to remain at the school of transfer until completing the highest grade at the school.

Title I, Section 1116(b)(1)(E) of the No Child Left Behind Act of 2001

Title I, Section 1116(e) of the No Child Left Behind Act of 2001

Title IX, Section 9532 of the No Child Left Behind Act of 2001

Adopted: 8/24/04

Revised:

**The Public Schools
Youngstown, Ohio
Office of the Superintendent**

RESOLUTION NO. 256-11

**RESOLUTION APPROVING CONTRACT WITH
GOLD THERAPY SERVICES, INC.
FOR 2011 – 2012 SCHOOL YEAR**

WHEREAS, the services provided are in accordance with Ohio Revised Code, Section 3317.06 and will serve non-public pupils attending non-public schools;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education approves the awarding of contracts to Gold Therapy Services, Inc. for the Auxiliary Services Program, Fund 401 (monies); and

BE IT FURTHER RESOLVED, that further approval of the Board of Education will be sought if the total cost of this resolution exceeds the following costs:

Gold Therapy Services **\$ 38,477.00**

Speech/Language Pathologist

Mr. Murphy moved, seconded by Ms. Hanni that the foregoing resolution be adopted.

Ayes: Hanni, Mahone, Murphy, Atkinson, Beachum, Catale, Drennen

Nays: None

Motion carried.

11/22/11

DEPARTMENT OF HUMAN RESOURCES

**The Public Schools
Youngstown, Ohio
Office of the Superintendent**

RESOLUTION NO. 257-11

**CERTIFICATED PERSONNEL
APPOINTMENT OF SUBSTITUTE TEACHERS**

RESOLVED, based upon the recommendation of the Assistant Superintendent of Human Resources, the following appointments of substitute teachers are being recommended for the 2011-12 school year:

APPOINTMENTS

Substitute Teachers (Fund 001) - To be used on an “as needed basis” as follows:

- \$ 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
- \$157.64 a day from day 61 to day 184 if in the same position

Nancy Lawson

Vicki Sims

Mr. Murphy moved, seconded by Ms. Hanni that the foregoing resolution be adopted.

Ayes: Hanni, Mahone, Murphy, Atkinson, Beachum, Catale, Drennen

Nays: None

Motion carried.

11/22/11

**The Public Schools
Youngstown, Ohio
Office of the Superintendent**

RESOLUTION NO. 258-11

**CERTIFICATED PERSONNEL
APPOINTMENTS AND LEAVES OF ABSENCE**

RESOLVED, based upon the recommendation of the Assistant Superintendent of the Human Resources, the following appointments and leaves of absence are being accepted for the 2011-12 school year:

APPOINTMENTS

Curriculum Administrator - Chaney Fund 537

Misha L. Stredrick - 11 Months, 219 days - Grade 7/Step 2 - \$68,226.00 - \$41,745.02
pro-rated- Effective 12/05/2011

Bridge Formula Model (Parity) Fund 001 - **Harding Elementary School** - \$15.50 per hour for Non-YEA Members, not to exceed 25 hours per week:

Jean Stonework

Bridge Formula Model (Parity) Fund 001 - **Taft Elementary School** - \$15.50 per hour for Non-YEA Members, not to exceed 25 hours per week:

Verlynn Britt

After School Alliance Program Fund 516/019-9713 - \$11.00 per hour for Non-YEA Members, not to exceed 20 hours per week:

Robin Pringle	Activity Leader	P. Ross Berry	\$11.00/hr
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For the record: Crystal L. Henderson, Guidance Counselor, effective date for employment is August 25, 2010

LEAVES OF ABSENCE

Claudette R. Clinkscales	Medical Leave	Eff. 11/08/11 thru 11/22/11
Michael Hinge	Medical Leave	Eff. 08/26/11 thru 06/04/12
Mary C. Muldoon	Ext. Family Medical	Eff. 11/28/11 thru 01/20/12

Resolution No. 258-11 continued

For the record: Leah M. Godoy is returning to work on November 18, 2011 from her Leave of Absence

Elizabeth M. Schumann is returning to work on November 28, 2011 from her Medical Leave of Absence

Mr. Murphy moved, seconded by Ms. Hanni that the foregoing resolution be adopted.

Ayes: Hanni, Mahone, Murphy, Atkinson, Beachum, Catale, Drennen

Nays: None

Motion carried.

11/22/11

**The Public Schools
Youngstown, Ohio
Office of the Superintendent**

RESOLUTION NO. 259-11

**CLASSIFIED PERSONNEL
APPOINTMENTS, LEAVE OF ABSENCE AND RESIGNATION**

RESOLVED, based upon the recommendation of the Assistant Superintendent of Human Resources, the following appointments, leave of absence and resignation are being accepted for the 2011-12 school year:

APPOINTMENTS

Substitute Bus Driver (Fund 001) - \$11.00 per hour, not to exceed 25 hours per week:

Larry Finney

Monitorial Aide (Fund 006) - \$7.30 per hour; to be used on an "as needed" basis; not to exceed 20 hours per week:

Verlynn Britt

Parent Volunteer - (Fund 019) - \$5.00 per hour; (Stipend); to be used on an "as needed" basis; not to exceed more than 24 hours per week:

Tanya Brown

LEAVE OF ABSENCE

Educational Assistant

Cleone Donald

Medical Leave

Eff. 11/03/11 thru 01/09/12

RESIGNATION

Secretary

Lori Vlad

Personal

Eff. 11/16/11

moved, seconded by that the foregoing resolution be adopted.

Ayes:

Nays:

Motion carried.

11/22/11

The Board of Education of Youngstown City School District, Ohio, met in regular session on November 22, 2011, commencing at 5:30 p.m., at the Administration Building, 20 West Wood Street, Youngstown, Ohio, with the following members present:

Ms. Hanni	Mr. Atkinson
Ms. Mahone	Mr. Beachum
Mr. Murphy	Mr. Catale
Ms. Drennen	

The Treasurer advised the Board that the notice requirements of Section 121.22 of the Revised Code and the implementing rules adopted by the Board pursuant thereto were complied with for the meeting.

Mr. Murphy moved the adoption of the following Resolution:

RESOLUTION NO. 260-11

**A RESOLUTION DETERMINING TO PROCEED WITH THE
SUBMISSION TO THE ELECTORS OF THE SCHOOL DISTRICT OF
THE QUESTION OF RENEWING A PORTION OF AN EXISTING TAX
LEVY PURSUANT TO SECTIONS 5705.194 TO 5705.197 OF THE REVISED CODE**

WHEREAS, at an election on November 4, 2008, the electors of the School District approved an additional tax in excess of the ten-mill limitation in order to raise the amount of \$5,291,510 each calendar year for a period of four years for the purpose of providing for the emergency requirements of the School District, the last collection of which will occur in calendar year 2012; and

WHEREAS, on November 18, 2011, this Board adopted a resolution declaring it necessary to submit to the electors of the School District the question of renewing a \$3,500,000 portion of that tax levy in excess of the ten-mill limitation, as described below, a copy of which resolution was certified to the Mahoning County Auditor; and

WHEREAS, on November 21, 2011, the Mahoning County Auditor certified that the total current tax valuation of the School District is \$577,526,800 and the estimated annual tax levy required throughout the life of the proposed levy to produce the annual amount of \$3,500,000 as set forth in that resolution, calculated in the manner provided by Section 5705.195 of the Revised Code, is 6.1 mills for each one dollar of valuation, which amounts to 61 cents for each one hundred dollars of valuation;

Resolution No. 260-11 continued

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of Youngstown City School District, County of Mahoning, Ohio, that:

Section 1. Determination to Proceed. This Board hereby determines to proceed with the submission to the electors at an election to be held on March 6, 2012 (or such other date as is established for the date of the “primary election” (as defined in Section 3501.01(E)(1) of the Revised Code) in calendar year 2012), of the question of renewing a portion of an existing tax levy in excess of the ten-mill limitation for a period of four years (commencing with a levy on the tax list and duplicate for the year 2012 to be first distributed to this Board in calendar year 2013) in order to raise the amount of \$3,500,000 each year (thereby providing a decrease of the existing tax levy in the amount of \$1,791,510) for the purpose of providing for the emergency requirements of the School District, at the annual tax rate as is necessary to raise that amount, which rate is currently estimated by the Mahoning County Auditor to be 6.1 mills for each one dollar of valuation, which amounts to 61 cents for each one hundred dollars of valuation.

Section 2. Certification and Delivery of Materials to Board of Elections. The Treasurer is authorized and directed to certify to the Mahoning County Board of Elections copies of this Resolution, and the resolution and the related certificate of the Mahoning County Auditor referred to in the preambles hereto, before the close of business on Wednesday, December 7, 2011. This Board hereby requests that the Board of Elections give notice, prepare the ballots, and make other necessary arrangements for the submission of this question to the electors of the School District, all in accordance with law.

Section 3. Compliance with Open Meeting Requirements. This Board finds and determines that all formal actions of this Board and of any of its committees concerning and relating to the adoption of this Resolution were taken, and that all deliberations of this Board and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

Section 4. Captions and Headings. The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof.

Section 5. Effective Date. This Resolution shall be in full force and effect from and immediately upon its adoption.

Mr. Atkinson seconded the motion.

Upon roll call on the adoption of the Resolution, the vote was as follows:

Ms. Hanni	Yes	Mr. Beachum	Yes
Ms. Mahone	Yes	Mr. Catale	Yes
Mr. Murphy	Yes	Ms. Drennen	Yes
Mr. Atkinson	Yes		

Resolution No. 260-11 continued

TREASURER'S CERTIFICATION

The above is a true and correct extract from the minutes of the regular meeting of the Board of Education of Youngstown City School District, Ohio, held on November 22, 2011, commencing at 5:30 p.m., at the Administration Building, 20 West Wood Street, Youngstown, Ohio, showing the adoption of the Resolution hereinabove set forth.

Dated: November 22, 2011

Treasurer, Board of Education
Youngstown City School District, Ohio

Resolution No. 260-11 continued

RECEIPT OF DIRECTOR OF ELECTIONS

I acknowledge receipt on this date of the following documents certified to the Board of Elections of the County of Mahoning, Ohio, by the Board of Education of Youngstown City School District, Ohio:

1. Certified copies of resolutions adopted by the Board of Education on November 18, 2011, and November 22, 2011, respectively, declaring the necessity of and determining to proceed with the submission to the electors of that School District at an election to be held on March 6, 2012, the question of renewing a portion of an existing tax levy to raise \$3,500,000 each year for a period of four years for the purpose of providing for the emergency requirements of Youngstown City School District, pursuant to Sections 5705.194 to 5705.197 of the Revised Code.
2. A certificate of the Mahoning County Auditor dated November 21, 2011, estimating the annual tax levy required to produce the annual amount set forth in those two resolutions and certifying the total current tax valuation of the School District.
3. Suggested forms of notice of election pertaining to the submission of, and ballot for submitting, the question of renewing such tax.

Dated: November ____, 2011

Director of Elections
County of Mahoning, Ohio

**NOTICE OF ELECTION ON TAX LEVY IN
EXCESS OF THE TEN-MILL LIMITATION**

Notice is hereby given that pursuant to resolutions of the Board of Education of Youngstown City School District, Ohio, adopted on November 18, 2011, and November 22, 2011, respectively, there will be submitted to a vote of the electors of said School District at an election to be held in said School District at the regular places of voting therein, on Tuesday, March 6, 2012, the question of renewing part of an existing tax levy, being a reduction of \$1,791,510, in the sum of Three Million Five Hundred Thousand Dollars (\$3,500,000) per year for a period of four years for the purpose of providing for the emergency requirements of Youngstown City School District. If a majority of the voters voting thereon vote in favor thereof, that tax will commence in 2012, and be first due in calendar year 2013.

The estimated tax outside of the ten-mill limitation necessary to raise that annual amount as certified by the County Auditor is 6.1 mills for each one dollar of valuation, which amounts to 61 cents for each one hundred dollars of valuation.

The polls for said election will be open at 6:30 a.m. and will remain open until 7:30 p.m. of said day.

Dated: _____, 2012

By order of the Board of Elections of the
County of Mahoning, Ohio

INSTRUCTIONS TO PRINTER:

Publish in one newspaper of general circulation in the County of Mahoning and Youngstown City School District once a week for two consecutive weeks on the same day of each week, the first insertion being **on or before February 21, 2012**, or as provided in Section 7.16 of the Revised Code. The purpose of the levy may be emphasized by capitals or bold face type, but such emphasis is not required by law. Such newspaper must be of general circulation within the meaning of Section 7.12 of the Revised Code.

NOTICE TO BOARD OF ELECTIONS:

If the Board of Elections operates and maintains a web site, then the Board of Elections must also **post this notice on its web site for 30 days prior to the election.**

YOUNGSTOWN CITY SCHOOL DISTRICT

PROPOSED TAX LEVY (RENEWAL WITH A DECREASE)

(A majority affirmative vote is necessary for passage)

Shall a levy renewing part of an existing levy, being a reduction of \$1,791,510, be imposed by the Youngstown City School District for the purpose of **providing for the emergency requirements of the Youngstown City School District** in the sum of \$3,500,000 and a levy of taxes to be made outside of the ten-mill limitation estimated by the county auditor to average 6.1 mills for each one dollar of valuation, which amounts to 61 cents for each one hundred dollars of valuation, for a period of four years, commencing in 2012, first due in calendar year 2013?

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

NOTICE TO PRINTER:

Section 5705.197 of the Revised Code and the ballot form approved by the Ohio Secretary of State require that the purpose of the issue (the bolded portion above) be printed **in boldface type of at least twice the size of the type immediately surrounding it**. Capital letters alone will not suffice. Please be sure that these requirements are met.

ADJOURNMENT

There being no further business requiring board action at this time, Mr. Murphy moved that the meeting adjourn. Mr. Catale seconded the motion, and upon voice vote all board members voted yes. Mr. Beachum announced the meeting adjourned at 6:22 p.m.

President

Treasurer