

# Policy Manual



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## Chapter 1

### Philosophy

#### 1.1 Method of Operation

- The Cuyahoga County Board of Developmental Disabilities (CCBDD) recognizes that all individuals desire and deserve the opportunity to make decisions about their lives, and
- Person-centered planning is a process that enables people with developmental disabilities and their families to communicate their wants and needs to us so that we can help them get the supports they need for a better place in life, and
- Service coordination is a process of assisting individuals and their families to identify and acquire the appropriate services and supports they choose for themselves within the diverse resources available.
- In keeping with our already stated mission, the Cuyahoga County Board of Developmental Disabilities will use the principles embodied in person-centered planning as the guiding philosophy for the conduct of all our efforts, and
- The accepted format for the provision of needed supports and services shall be through service coordination as opposed to programs.

#### 1.2 The CCBDD carries out its mission by providing services and supports in the following ways:

- We promote community presence and participation by assisting people in forming and maintaining relationships that lead to the individual being a valued member of society.
- We promote autonomy and self-determination by supporting informed choice and decision-making, access and control over needed resources, and encouraging responsibility.
- We promote a continuous process of growth through learning opportunities and a variety of experiences.
- We promote independence and productivity by encouraging self-sufficiency thereby enabling individuals to become contributing members of their community.
- We promote well being by assisting individuals to respond to threats of health and safety, to access needed health care, to be safe and to have the best possible health.
- We promote family stability and preservation by providing services and supports that strengthen and enhance the family's capacity to effectively respond to the challenges of raising a child with a developmental disability.
- We promote the rights of individuals served through the adherence to all rights enumerated in Ohio Revised Code section 5123.62, the "bill of rights of persons with a developmental disability". Such adherence includes, but is not limited to recognizing the individual's right to:
  - Confidentiality and privacy
  - Freedom from abuse, neglect, and exploitation of any kind
  - Access to information to facilitate decision making

- Give informed consent or refusal or expression of choice regarding service delivery, release of information, concurrent services, composition of service delivery team, and involvement in research projects.
- Rights of individuals served are further promoted by the CCBDD's compliance with sections 5123.60 to 5123.64 of the Ohio Revised Code which provide for legal services to individuals served to they may grieve and enforce rights violations. Further, the CCBDD shall investigate alleged violations of rights, abuse, neglect, and exploitation of individuals served in accordance with applicable law.

### 1.3 Activities We Do Not Support

This constitutes a representative, not an exhaustive, list:

- Any illegal activity such as drug use, theft, misuse of public funds, fraud (including Medicaid and insurance fraud), abuse/neglect and violations of rules, statutes and laws (including ADA, Fair Housing and IDEA).
- Any choice/action that infringes on the rights of others or results in loss of life. or harm/injury to any individual such as choosing to remain in a relationship where one is a victim of abuse, choosing to live in an unsafe environment, or engaging in unsafe health practices.
- Choosing not to work when a person has the physical, mental and emotional capacity to work, unless retirement is appropriate.
- Any strategy, technique, intervention, or equipment that has been shown through professionally accepted research to be ineffective for individuals with developmental disabilities.
- Services, supports, equipment that are accessible through another source such as, when an individual qualifies or is eligible for services, supports or equipment through Medicaid, Medicare, insurance, school district or similar resources.
- Any action that intrudes on or limits an individual's right and responsibility to care for him/herself and to live as independently as possible and any action that intrudes on a parent's right and responsibility to care for and raise their child under the age of eighteen.
- Any action/choice that violates a contractual agreement such as a breach of an apartment/house lease.
- Any actions/choices outside the scope of the agency's functions or responsibilities such as the provision of services that clearly fall under the statutory functions of another entity such as a school district, the court system, Department of Children and Family Services or Ohio Legal Rights Services.
- Any use of the agency's funds beyond assessment and referral for individuals who are not eligible for CCBDD services and supports.

### 1.4 Administration

The execution of CCBDD policy and the administration of the functions of the Board shall be the responsibility of the superintendent and the administrative staff. There shall be continuous effort by the administration and the Board to improve and refine the board's policies, to develop clear and precise administrative and operational procedures and to provide means by which the CCBDD can direct the operation of the functions of the Board in accordance with its legal obligations and prerogatives.

### 1.5 Health and Safety

A core function of the CCBDD is to assure the health, safety and well-being of individuals with developmental disabilities who receive supports from the Board. The health, safety and well-being of individuals are of primary importance and are continually addressed by CCBDD staff throughout the process of planning for and providing supports.

The CCBDD further assures the health and safety of individuals through the following activities:

- The development of health, safety and quality assurance standards,
- The ongoing review of health, safety and quality assurance standards by specialized staff members for individuals supported by the CCBDD,
- The investigation and monitoring of reports of abuse, neglect and major unusual incidents by trained investigators,
- The design and implementation of staff development opportunities that enhance the staff's ability to carry out the mission and policies of this board, and
- The design and implementation of reporting systems that provide information to the board, the public, consumers and staff about progress towards goals and status of the various functions of the board.

### 1.6 Compliance Plan

The CCBDD is committed to lawful and ethical conduct throughout its operations and shall always act with honesty, integrity, and fairness. As such, CCBDD employees, vendors, providers, and suppliers shall be responsible for conducting themselves in accordance with the CCBDD Compliance Plan and shall report any illegal and wrongful activities they observe. The superintendent shall appoint a compliance officer to oversee and monitor the implementation of the compliance plan.

## Chapter 2

### The Board of Developmental Disabilities

#### 2.1 Authority for Establishing Policies

This CCBDD Policy Manual is adopted by the Cuyahoga County Board of Developmental Disabilities (hereinafter referred to as the Board) under authority granted it by statutes of the state of Ohio, which enumerates among its duties: "The board shall adopt rules for the conduct of its business and a record shall be kept of Board proceedings which shall be open for public inspection." (From Section 5126.022 of the Ohio Revised Code.)

#### 2.1 Members

##### 2.2.1 Qualifications

In compliance with Section 5126.022 of the Ohio Revised Code (ORC), of the members of the Board appointed by the Cuyahoga County Executive/Council, at least two shall be relatives of persons eligible for services provided by the County Board of Developmental Disabilities, and, whenever possible, one shall be a relative of a person eligible for adult services, and the other shall be a relative of a person eligible for early intervention services or services for pre-school or school-age children. Of the two members appointed by the probate judge, at least one shall be a relative of a person eligible for residential services or supported living.

All persons appointed to the Board shall be persons interested in and knowledgeable in the field of developmental disabilities and other allied fields.

The following individuals shall not serve as members of the County Board of Developmental Disabilities:

- 1) Elected public officials, except for those excluded from the definition of public official or employee in Division (B) of Section 102.01 of the Ohio Revised Code.
- 2) Members of the immediate family of a board member.
- 3) CCBDD employees and members of the immediate family of CCBDD employees.
- 4) Former CCBDD employees within one calendar year of the termination of employment with the CCBDD.
- 5) A person who is, or has an immediate family member as defined in section 5126.01 of the Ohio Revised Code, who is a board member of a contract agency of the CCBDD unless there is no conflict of interest. In no circumstance shall a member of a county board vote on any matter before the board concerning a contract agency of which the member or a member of his/her immediate family is also a board member or an employee. All questions relating to the existence of a conflict of interest shall be submitted to the local prosecuting attorney and the Ohio Ethics Commission for resolution.

- 6) An employee of an agency contracting with the CCBDD or a member of the employee's immediate family.
- 7) A person with an immediate family member who serves as a county commissioner of the county served by the CCBDD unless the person was a member prior to October 31, 1980.

#### 2.2.2 Term

All appointments shall be for terms of four years. A member who has served during each of three consecutive terms shall not be reappointed until two years after he ceases to be a member of the Board, except that a member who has served for ten years or less within three consecutive terms may be reappointed for a subsequent term before becoming ineligible for reappointment for two years. The membership of a person appointed as a relative of a recipient of services shall not be terminated because the services are no longer received.

#### 2.2.3 Vacancies

Within sixty days after a vacancy occurs, it shall be filled by the appointing authority for the unexpired term. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of that term. Appointments other than an appointment to fill a vacancy shall be made no later than the last day of November of each year, and the term of office shall commence on the date of the stated annual organizational meeting in January.

#### 2.2.4 Removal

A board member shall be removed from the board by the appointing authority for neglect of duty, misconduct, malfeasance, failure to attend at least one in-service training session each year, a violation of section 5126.023 of the Ohio Revised Code, upon the absence of a member within one year from either four board meetings or from two board meetings without prior notice, or consistent poor performance. The Board shall supply the board member and his appointing authority with written notice of the charges against the member. The appointing authority shall afford the member an opportunity for a hearing, in accordance with procedures it adopts, and shall, upon determining that the charges are accurate, remove the member and appoint another person to complete the member's term.

#### 2.2.5 Oath of Office

The following oath of office shall be administered to new board members by the president of the board or his designee:

'Do you solemnly swear that you will support the constitution of the United States and the constitution of the state of Ohio; and that you will faithfully and impartially discharge your duties as a member of the Cuyahoga County Board of Developmental Disabilities to the best of your ability and in accordance with the laws and the rules and regulations of the Board now in effect and hereafter to be enacted, during your continuance in said office, and until your successor is appointed?'

The answer is: 'I do.'

## 2.3 Organization

### 2.3.1 Time Limit/Actions

In compliance with 5126.029 of the Ohio Revised Code, the Board of Developmental Disabilities shall hold an organizational meeting no later than the thirty-first day of January of each year and shall elect its officers, which shall include a president, vice-president and recording secretary. Other business may be conducted at the organizational meeting as necessary. The organizational meeting shall be held and conducted in accordance with the rules and regulations applicable to all board meetings as contained in this article.

### 2.3.2 Actions

At its organizational meeting, the Board shall:

- A. Elect its officers which shall include a president, vice president, and recording secretary,
- B. Adopt rules for the conduct of its business,
- C. Plan to meet at least ten times annually, and
- D. Plan to meet in such a manner and at such times as prescribed by rules adopted by the Board.

2.3.3 A majority of the Board constitutes a quorum.

## 2.4 Officers

### 2.4.1

The election of officers shall occur at the annual organizational meeting or at a special meeting called for that purpose. There shall be elected for one year a president, vice-president and recording secretary who shall serve until their successors are elected. No member shall hold more than one office during any given year. No member shall hold the same office for more than two consecutive terms. Nominations for the new officers may be brought to the Board by the nominating committee appointed by the president and/or by nominations from the floor. The election may be by ballot or by voice vote.

### 2.4.2

Any officer may be removed by a majority vote by the Board at any regular meeting or at a special meeting called for that purpose.

Any vacancy of an officer's position shall be filled by the Board at the next regularly scheduled meeting after the vacancy occurs or prior to that at a special meeting called for that purpose.

### 2.4.3 President

The president of the Board shall be elected from among the members of the Board for one year and shall serve until a successor is elected. The duties of the president shall be:

- A. To preside at all meetings of the Board,
- B. To appoint committees,
- C. To be a member ex-officio of all committees,

- D. To request an audit of the financial records and accounting assets at appropriate intervals, and
- E. To perform such other duties as may be prescribed by law or by action of the board.

#### 2.4.4 Vice-President

The vice-president of the Board shall be elected from among its members for one year and shall serve until a successor is elected. The duties of the vice-president shall be:

- A. To serve ex-officio on all committees,
- B. To preside in the absence of the president,
- C. To perform the duties of the president in his/her absence, and
- D. To perform such other duties designated by the president.

#### 2.4.5 Recording Secretary

The recording secretary of the Board shall be elected from among its members for one year and shall serve until a successor is elected. The duties of the recording secretary shall be:

- A. To keep a complete and correct record of
  - 1) All resolutions and meetings of the Board, including a statement of approved expenditures and resolutions acted upon, and
  - 2) Any committee meeting the president of the Board requests the secretary to attend,
- B. To file a certified copy of the Board minutes in the office of the Superintendent,
- C. To provide each member of the Board a copy of the minutes, including a complete statement of approved expenditures and resolutions acted upon, and
- D. To perform such other duties as may be delegated either by the president of the Board or assigned by the Board.

### 2.5 Meetings

#### 2.5.1 Date, Time and Place

After such annual organization meeting, the Board shall meet in such manner and at such times as prescribed by rules adopted by the Board, but the Board shall meet at least ten times annually in accordance with Section 121.22 of the Revised Code, not including in-service training sessions. A majority of the Board constitutes a quorum, the Board shall adopt rules for the conduct of its business and a record shall be kept of Board proceedings, which shall be open for public inspection.

#### 2.5.2 Special Meetings

“Special Meeting” means a meeting that is neither a regular meeting nor an adjournment of a regular (or special) meeting to another time or day to consider items specifically stated on the original agenda of such regular (or special) meeting. No other business than that listed in the notification may be conducted at special meetings, except in the case of an emergency requiring immediate

official action. In the event emergency action is necessary, the nature of the emergency must be stated in the minutes of the meetings.

A special meeting of the Board may be called by the president or the superintendent with the knowledge and approval of the president, or by any two members by serving notice of the date and place and subject matter of such meeting upon each member of the Board at least 24 hours prior to the date of such meeting. Special meetings shall be held in accordance with ORC 121.22, (F).

### 2.5.3 Public Notice

#### 2.5.3.1 Regular and Organizational Meetings

Public notice of all meetings of the Board shall be given in accordance with Section 122.22 of the Ohio Revised Code. Notice of all meetings shall be posted at all sites operated by the Board in conspicuous places in areas accessible to the public during usual business hours.

The superintendent shall post a statement of the times(s) of regular meetings of the Board for each regular meeting (other than the organizational meeting) of the calendar year of the Board. The superintendent shall ensure that such statement remains so posted during such calendar year.

The superintendent shall post a statement of the time and place of the organizational meeting of the Board at least 24 hours before the time of such organizational meeting.

Upon the adjournment of any regular or special meeting to another day, the superintendent shall promptly post notice of the time and place of such adjourned meeting.

#### 2.5.3.2 Notices to the Public of Special Meetings

Except in the case of emergency, the superintendent shall, no later than 24 hours before the time of a special meeting of the Board, post a statement of the time, place and purpose of such special meeting. The posting of notice of a special meeting shall state such specific or general purposes then known to the superintendent as intended for consideration at such special meeting.

All postings for special meetings shall be done in the same place as those postings for the regular and organizational meeting. In addition to the postings required, the superintendent shall cause to be published once, no later than 24 hours prior to the time of a special meeting of the Board, a statement of the time, place and purposes of such special meeting. Such publication shall be done in a newspaper of general circulation as defined in Section 7.12 of the Ohio Revised Code.

### 2.5.3.3 Notices to News Media of Special Meetings

Any news organization that desires to be given advance notification of special meetings of the Board shall file with the superintendent a written request thereof.

Except in the event of an emergency requiring immediate official action, a special meeting shall not be held unless at least 24 hours' advance notice of the time, place and purposes of such special meeting is given to the news media that have requested such advance notification.

News media requests for such advance notification of special meetings shall specify:

- A. The name of the medium,
- B. The name and address of the person to whom written notifications to the medium may be mailed, telegraphed or delivered,
- C. The names, addresses and telephone numbers (including addresses and telephone numbers at which notifications may be given either during or outside of business hours) of at least two persons to either one of whom oral notifications to the medium may be given, and
- D. At least one telephone number that their request identifies as being manned and which can be called at any hour for the purpose of giving oral notification to such medium.

Any such request shall be effective for one year from the date of filing with the superintendent or until the superintendent receives written notice from such medium canceling or modifying such request, whichever is earlier. Each requesting news medium shall be informed of such period of effectiveness at the time it files its request. Such requests may be modified or extended only by filing a complete new request with the superintendent. A request shall not be deemed to be made unless it is complete in all respects. Such request may be conclusively relied on by the Board and the superintendent.

The superintendent shall give written notification to the news media that have requested such advance notification in accordance with this section of the time, place and purposes of each special meeting at least 24 hours prior to the time of such special meeting.

In the event of an emergency requiring immediate official action, a special meeting may be held without giving 24 hours' advance notification thereof to the requesting news media. The persons calling such meeting or any one or more of such persons or the superintendent on their behalf, shall immediately give oral notification or written notification, or both, as the person or persons giving such notification determine, of the time, place and purposes of such special meeting to such news media that have

requested such advance notification in accordance with this section. The minutes, or the call, or both, of any such meetings shall state the general nature of the emergency requiring immediate official action.

The contents of written notification under this section shall be a copy of the agenda of the meeting. Written notification under this section may be accomplished by giving advance written notification, by copies of agendas, of all meetings of the Board.

#### 2.5.3.4 Notification of Discussion of Specific Types of Public Business at Regular and Organizational Meetings

Any person, upon written request and as provided herein, may obtain reasonable advance notification of all meetings at which any specific type of public business is scheduled to be discussed. Such persons must file a written request with the superintendent specifying:

- 1) The person's name, and
- 2) The address(es) and telephone number(s) at or through which he can be reached during and outside of business hours.

Such requests shall be valid for a 12-month period at which time a new request must be made. Such requests may be modified or extended only by filing a complete new request with the superintendent. A request shall not be deemed to be made unless it is complete in all respects and such request may be conclusively relied on by the Board and the superintendent.

The contents of written notification under this section shall be a copy of the agenda of the meeting. Written notification under this section may be accomplished by giving advance written notification, by copies of agendas, of all meetings of the Board. There shall be no charge for this service.

#### 2.5.3.5 Notification of Discussion of Specific Types of Public Business at Special Meetings.

In the event that a person desires to be notified of special business to be conducted at a special meeting, such person must file a written request stating the specific type of business of which they desire to be notified. Notification shall be made by the superintendent to the requesting party in writing when time permits or by telephone at least 24 hours in advance of the special meeting except in cases of an emergency.

In the event of an emergency requiring immediate official action, no notice is required to be made pursuant to this subsection.

Said request shall be valid for a 12-month period at which time a new request must be made.

#### 2.5.3.6 Miscellaneous Rules Pertaining to Notification Procedures

Any person may visit or telephone the central office, 1275 Lakeside Avenue, Cleveland, (216) 241-8230, during that office's regular hours to determine, based on information available at that office:

- A. The time and place of regular meetings;
- B. The time, place and purposes of any then known special meetings, and
- C. Whether the available agenda of any such future meetings states that any specific type of public business, identified by such a person, is to be discussed at such meeting.

Any notification provided herein to be given by the superintendent may be given by any person acting on behalf of or under the authority of the superintendent.

A reasonable attempt at notification shall constitute notification in compliance with these rules.

The superintendent shall maintain a record of the date and manner, and time if pertinent under these rules, of all actions taken with regard to notices and notifications and shall retain copies of proofs of publication of any notifications or notices published there under.

#### 2.5.4 Quorum

Four of seven members of the Board shall constitute a quorum for the transaction of business and approval of a motion or resolution. The president may vote on all matters.

Where a quorum is present, several members' refusal to vote is not sufficient, even if a majority, to defeat the action of those actually voting. Members present, including the president, are obligated to vote, unless they wish to be regarded as assenting to the decision of the voluble majority.

#### 2.5.5 Open Meetings

Under the Ohio Revised Code, all meetings of the Board are open to the public at all times. All regular, organizational and special meetings of the Board and any special committees established by the Board shall be open to the public.

#### 2.5.6 Executive Sessions, Procedures for Calling

The Board shall be permitted to hold an executive session at any regular, organizational or special meeting as allowed under Section 121.22 of the Ohio Revised Code.

An executive session may be held only after a majority of a quorum of the Board determines, by roll call vote, to hold the executive session.

The president or any other member may make a motion to hold an executive session. If the Board holds an executive session pursuant to Article 2.5.7.1.1, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in that article are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting. If the Board holds an executive session to consider any matters listed in Articles 2.5.7.1.2 through 2.5.7.1.6, the motion and vote to hold the executive session shall state which one or more of the approved purposes listed in those articles are to be considered at the executive session.

#### 2.5.6.1

An executive session may be held for the sole purpose of the consideration of any of the following matters:

##### 2.5.6.1.1

To consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual, unless the public employee, official, licensee, or regulated individual requests a public hearing.

##### 2.5.6.1.2

To consider the purchase of property for public purposes, or for the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal private interest is adverse to the general public interest. No member shall use this article as a subterfuge for providing covert information to prospective buyers or sellers. A purchase or sale of public property is void if the seller or buyer of the public property has received covert information from a member that has not been disclosed to the general public in sufficient time for the other prospective buyers and sellers to prepare and submit offers.

If the minutes of the Board show that all meetings and deliberations of the Board have been conducted in compliance with this article, any instrument executed by the Board proposing to convey, lease or otherwise dispose of any right, title or interest in any public property shall be conclusively presumed to have been executed in compliance with the law insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

#### 2.5.6.1.3

Conferences with an attorney for the Board, concerning disputes involving the Board that are the subject of pending or imminent court action.

#### 2.5.6.1.4

Preparing for, conducting or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

#### 2.5.6.1.5

Matters required to be kept confidential by federal law or regulations or state statutes or rules.

#### 2.5.6.1.6

Specialized details of security arrangements where disclosure of the matters discussed might reveal information that could be used for the purpose of committing or avoiding prosecution for a violation of the law.

### 2.5.7 Participation by Citizens

The president of the Board or a majority of the members may extend to audience members the privilege of addressing the Board, and the order of business at any regular meeting shall include an opportunity for members of the public to address the Board, provided, however, that the Board does not obligate itself to consider any request or proposal unless submitted to the president, in writing, at least seven working days before the meeting.

The Board endorses the principle of open communication between the public and the Board and between the superintendent and his staff and free communication with all staff through recognized channels of communication.

Any individual or group may address the Board concerning any subject that lies within the Board's jurisdiction. Questions are to be directed to the Board as a whole and may not be put to any individual member of the Board or administrative staff. Any matter upon which the Board may be requested to act must be submitted in writing to the Board not less than seven working days, prior to the date of the meeting at which the subject is to be discussed.

It shall be in order for members of the Board to interrupt a speaker at any time to ask questions or make comments in order to clarify the discussion.

Not more than 5 minutes shall be allotted to each speaker and no more than 15 minutes to each subject under discussion, except with the consent of the Board.

No person shall present orally at any meeting of the Board, a complaint against an individual employee of the CCBDD. Such charge or complaint shall be

presented to the Board in writing and shall be signed by the person(s) making the charge or complaint.

#### 2.5.8 Recess of Meeting

The Board may recess a regular meeting to such a time and place as it deems advisable, and the meeting shall be considered a regular meeting and shall not be subject to review.

#### 2.5.9 Agenda

The superintendent shall prepare and deliver a copy of the agenda to the members of the Board and to the media five days prior to any regular Board meeting. The superintendent, in consultation with the Board president, shall prepare a final agenda for each meeting of the Board. The order of business at each meeting shall be:

- A. Roll call
- B. Announcements
- C. Minutes
- D. Financial Reports
- E. Committee Reports
- F. Old business, if any,
- G. New Business, and
- H. Comments from the floor

#### 2.5.10 Rules of Order

The Board shall observe Robert's Rules of Order, Revised, except as otherwise provided by these rules and regulations or statute.

### 2.6 Minutes of Proceedings

#### 2.6.1 Preparation

The original certificate of each resolution shall be certified by the secretary as being a true, correct and exact copy.

Proceedings of the open meetings of the Board shall be tape recorded and such tapes be preserved permanently by the Board.

Certified copies of the official minutes of the Board shall be kept in the superintendent's office and shall be open for public inspection.

#### 2.6.2 Distribution

Copies of all the minutes shall be prepared promptly after each meeting and shall be distributed to the superintendent and the Board members.

Additional copies of the Board minutes may not be issued at county expense. Copies of all official documents may be obtained by any individual at a charge established under Chapter 6 of this Board's policies.

### 2.6.3 Approval

The minutes of the preceding meeting(s), with any changes made by a motion properly made and carried, or as directed by the president without objection, shall be approved by the Board and signed by the president and secretary as the first act of each regular meeting. Board minutes of a particular meeting shall not be considered official minutes until approved and entered into the permanent record by the Board.

### 2.6.4 Custody and Availability

The official minutes of the Board shall be permanently filed in the superintendent's office, and shall be made available to any citizen desiring to examine them at a mutually convenient time and place. Facilities at the CCBDD's central administrative offices shall be made available, at a mutually convenient time, for citizens wishing to listen to audiotapes of Board meetings.

Copies of official typewritten minutes may be obtained, upon request, by any individual at the cost established under Chapter 6 of the Board's policies. Copies of audiotapes of Board meetings shall be made available to persons requesting copies. Persons requesting copies shall be charged the cost of duplication.

## 2.7 Committees

### 2.7.1

The Board shall operate as a committee of the whole.

### 2.7.2 Special Committees/Liaisons

The Board shall authorize such special committees and liaisons as are deemed necessary and the members of such committees and liaisons shall be appointed by the president. All of the Board's special board committee meetings shall be open to the public and public notice of all meetings shall be made in the same manner as regular, organizational and special meetings of the Board. The president and superintendent shall be members ex-officio of all special committees of the Board and of all committees and commissions appointed by the Board. A special committee shall report its recommendations to the Board for appropriate action.

### 2.7.3 Ad Hoc Committees

Members of the Board may be appointed to ad hoc committees that include citizens, administrators or other governmental officials when it is deemed beneficial to the program or to the community.

No committee shall have more than three Board members assigned to it. No more than three members of the Board shall attend any committee meeting.

No legislative or administrative responsibility shall be delegated to a committee. However, a committee may be assigned general duties to study, investigate, consult and make recommendations to the Board.

## 2.8 Transaction of Business

### 2.8.1 Method of Voting

Voting may be by voice except that on all questions involving the expenditure of money, the yeas and nays shall be taken and entered in the records of the proceedings of the Board.

### 2.8.2 Authority of Members

The Board members shall have authority only when acting as a Board legally in session.

The Board shall not be bound in any way by any statement or action on the part of any individual Board member or CCBDD employee, except when such statement or action is in pursuance of specific instructions by the Board.

The Board thus acts only as a body, at public meetings, in decisions openly arrived at and formally recorded.

## 2.9 Power and Duties

The Board takes cognizance of the powers and duties invested in it both by law and by the authority of the director of developmental disabilities and executes its action in pursuance thereof. Those powers and duties include:

### 2.9.1

Administer and supervise services and supports for the benefit of people who have developmental disabilities.

### 2.9.2

Ensure that the services and supports so administered and supervised conform to the rules, regulations and standards of the director of developmental disabilities, state of Ohio.

### 2.9.3

Appoint a superintendent who shall, subject to the regulations of the Board, administer the work of the CCBDD and perform such other duties as are outlined hereinafter.

### 2.9.4

Keep a record of Board proceedings, which shall be open for public inspection.

2.9.5

Provide such services, facilities, transportation and equipment as are necessary. Such equipment may not be loaned to other agencies without Board approval.

2.9.6

Approve an annual budget to be forwarded to the Cuyahoga County Executive/Council for review and approval.

2.9.7

Provide such funds as are necessary and as provided by law, for appropriate services and supports.

2.9.8

Submit an annual report of its work and expenditures to the director of developmental disabilities of the state of Ohio at the close of the fiscal year and at other such times as may be requested.

2.9.9

Submit an annual report of the CCBDD's work and expenditures to the Cuyahoga County Executive/Council and the general public.

2.9.10

Require an annual report of audit from any public or non-profit agency or an organization of the same or another county that provides services contracted for by the CCBDD and require that such agencies submit an annual report of progress of the persons served in its program.

2.9.11

Initiate questions of policy for consideration and report by the superintendent.

2.9.12

Consider the recommendations of the superintendent in matters of policy and appointment of personnel

2.9.13

Receive funds from the state of Ohio and deposit them in a special fund established by the county auditor.

2.9.14

Reappraise annually the effectiveness of services and supports provided by the CCBDD directly or through contracts.

2.9.15

Inform the public concerning the progress and needs of the services and supports provided to people who have developmental disabilities.

#### 2.9.16

Negotiate with the Ohio Department of Developmental Disabilities and the Cuyahoga County Executive/Council to effectively carry out the duties of the CCBDD as provided by law.

#### 2.9.17

Establish rules and regulations for the provision of services and supports under its control.

#### 2.9.18

Pursuant to its statutory powers and duties, and in order to effectuate the purposes of fulfilling the responsibilities entrusted to the Board, expend any and all funds it deems necessary and appropriate.

#### 2.9.19

Purchase liability insurance on behalf of the Board members, CCBDD employees and appointees that the Board deems necessary to cover with such protection.

#### 2.9.20

Approve salary schedules, wage rate ranges and fringe benefit budget, and approve employment and fix compensation of all unclassified personnel.

### 2.10 Ethical Conduct

#### 2.10.1

Members shall abide by ethical rules of conduct appropriate to public officials of the state of Ohio. No Board member shall seek special privileges, criticize employees publicly, disclose confidential information or consider a complaint by or against an employee that is not first submitted to the superintendent.

All Board members are expected to act in the best interests of the citizens of the state of Ohio, including the individuals with developmental disabilities who receive services and supports from the CCBDD.

Board member shall demonstrate the highest possible ethical and moral standard in the performance of his/her duties as a trustee. Board members shall abide by all relevant state, local, and federal laws in the performance of their duties.

Board members shall insist on honesty, fairness, responsible stewardship, and ethical behavior practices with all CCBDD services, supports, and any transactions connected with the services and supports.

Board members shall encourage and advocate for the wishes, dreams, and aspirations of persons with developmental disabilities.

Board members shall oversee the superintendent and his/her administration and encourage their efforts to operate a program that displays the highest standards of ethical behavior and to assure that employees comply with sections 4.19 through 4.19.9 of this policy manual, which govern employee ethics.

## 2.10.2 Conflicts of Interest

No member shall have interest in a contract for the purchase of property, supplies or insurance for the use of the CCBDD or of its contracted services. The Board is specifically forbidden to expend public funds to prepare and distribute material for the purpose of promoting a bond issue or tax levy, or promoting or opposing any candidate for political office. The Board shall not expend public funds for purposes prohibited by the laws of the state of Ohio.

## 2.10.3 Direct Service Contracts

The CCBDD shall not enter into a direct service contract with a Board member, a former Board member or a family member of a Board member or former Board member per Section 5126.033 of the Ohio Revised Code. A direct services contract includes any legally enforceable agreement that may result in the payment from the Board to an eligible individual or a member of the eligible individual's family for services provided to the eligible individual. A former Board member is defined as a person whose service on the County Board ended less than one year prior to commencement of services under a direct services contract.

The CCBDD shall not enter into a direct services contract for services provided in accordance with section 5126.11 or sections 5126.40 to 5126.45 of the revised code under which an individual, agency, or other entity will employ an individual who is also an employee of that county board unless all of the following conditions are met:

- (1) The employee is not in a capacity to influence the award of the contract,
- (2) The employee has not attempted in any manner to secure the contract on behalf of the individual, agency, or other entity,
- (3) The employee is not a management employee and/or does not provide service and support administration (including any position requiring SSA certification) and/or does not work as an MUI investigator.
- (4) The employee is not employed by the board during the period when the contract is developed as an administrator or supervisor responsible for approving or supervising services to be provided under the contract and agrees not to take such a position while the contract is in effect, regardless of whether the position is related to the services provided under the contract.
- (5) The employee has not taken any actions that create the need for the services to be provided under the contract.
- (6) The individual, agency, or other entity seeks the services of the employee because of the employee's expertise and familiarity with the care and condition of one or more eligible persons and other individuals with such

expertise and familiarity are unavailable, or an eligible person has requested to have the services provided by that employee.

The entire Board will act on all proposed direct service contracts involving CCBDD employees. Such contracts that exceed \$25,000 will be approved in advance per section 3.1 of the policy manual. Direct service contracts that are less than \$25,000 may be approved in advance or ratified after approval by the Superintendent or his designee. Direct service contracts will be effective for a maximum of 24 months.

#### 2.11 Association of Boards of Developmental Disabilities

The Board may, by majority vote, join an association of boards of developmental disabilities and pay dues to such associations.

#### 2.12 Compensation; Expenses

Members of the Board shall serve their term without compensation. With Board approval, members of the Board shall be reimbursed for necessary expenses in the conduct of Board business.

#### 2.13 Policy for Communications with Public, including the Cuyahoga County Executive/Council and News Media

The CCBDD will honestly portray its programs, operations, finances, practices, and decisions in its communications with the public. Board members, the superintendent, management employees and other employees will not exaggerate or embellish the facts in written documents or oral presentations for the purpose of giving a false impression of CCBDD for whatever purpose.

#### 2.14 Policy for Human Resources

The Board members will support the superintendent and management in providing open and honest communications with CCBDD employees and their collective bargaining representatives. The Board, superintendent, and management will endeavor to abide by all federal, state, and local laws governing employment activities; comply with labor agreements; provide good working conditions; treat employees fairly and equitably; and maintain the highest standards of honesty and integrity in the conduct of its relationships with employees.

#### 2.15 Policy for Business Practices

The Board members will support the superintendent and CCBDD management in conducting its business relationships in an honest and ethical manner. The CCBDD will not be deceitful nor cheat its vendors.

## 2.16 Complaints Regarding Ethics Violations

Complaints of this nature shall be directed to the superintendent with a copy to the Board president. In a timely manner, the superintendent will have an unbiased investigation of the charges completed. The superintendent will be responsible for actions taken to respond to the complaint, if any. The superintendent shall report his/her decision to the Board and to the complainant.

## Chapter 3

### Administration

#### 3.1 Superintendent, Duties and Responsibilities

The Superintendent is the chief executive officer of the CCBDD for administration of all sites, services and supports. The superintendent may delegate responsibility to appropriate members of the administrative or supervisory staff, but he/she shall be responsible to the Board for the total operation of the system.

The specific duties and responsibilities of the superintendent shall include but not necessarily be limited to:

- A. Observe all applicable legal provisions and all policies of the board.
- B. Attend meetings of the Board and participate in all deliberations, except when such deliberations involve his/her own employment.
- C. Administer and supervise services and supports for people who have developmental disabilities designed to meet the needs of the community in conformance with CCBDD philosophy and goals.
- D. Make recommendations to the Board regarding organization, instruction, finance, construction, plant maintenance and other phases of the operation of the program.
- E. Take all personnel actions required to operate the CCBDD's programs including, but not limited to:
  - 1) Recruitment, selection and employment of personnel;
  - 2) Transfer, suspension, promotion, demotion, lay-off and/or termination of individual employees;
  - 3) Establishment of days and hours of work, position descriptions, work rules and evaluation procedures for all employees in the classified service and subject to the approval of the Board; and
  - 4) Approve all other employment contracts and personnel actions as may be necessary for the work of the CCBDD.
- F. Approve compensation for employees within the limits set by the salary schedule and budget set by the Board and ensure that all employees and consultants are properly reimbursed for actual and necessary expenses incurred in the performance of official duties and to award bonuses for performance or other good reasons which may not exceed 5% of an employee's salary per year. Bonuses shall not be counted against the maximum salary limit provided in the approved salary schedule.
- G. Authorize the payment of CCBDD obligations by the county auditor.
- H. Supervise the preparation of the annual budget and all construction and supplementary budgets, make recommendations concerning them to the Board and supervise their administration.
- I. Monitor that the policies and operations of the CCBDD are in compliance with applicable standards of the State of Ohio, federal government, Cuyahoga County Executive/Council and such other accrediting agencies as may be required by Ohio law.
- J. Keep the Board informed regarding the various services and supports, provide evaluation of such services, supports and the organizational and

- building needs of all services, supports and facilities operated by the CCBDD.
- K. Consult and advise with other administrators, as may be required, regarding state, federal and local requirements of law.
  - L. Promote among the employees of the Board an understanding of the Board's policies, an awareness of the Board's accomplishments and needs, and an appreciation of the Board's commitment to providing services and supports to individuals in their own communities.
  - M. Direct a public information program in cooperation with the Board to enlist the understanding, support and participation of the citizens of the community.
  - N. Recommend new policies and changes in existing policies for consideration of the Board.
  - O. Become involved in appropriate professional activities designed to promote professional growth and contribute to the advancement of the profession.
  - P. Establish such administrative procedures as are necessary to execute the policies of the CCBDD and to carry out his/her responsibilities as the chief executive officer of the CCBDD.
  - Q. Provide members of the Board a current chart of administrative organization and a statement of duties and responsibilities of each administrative officer.
  - R. Provide the Board at the appropriate times with recommendations regarding major decisions that the Board will be required to make which will offset the receipts and expenditures of the annual budget. Projections shall include estimates of present commitments affecting future budgets and forecasts of receipts and expenditure schedules.
  - S. Authorize requests for professional leave including travel in or out of county for purposes of improving the professional skills of employees.
  - T. Make purchases necessary to meet the operational needs of the program in compliance with applicable laws of the state of Ohio and in keeping with the amounts budgeted by the Board in each calendar year for each line account. The superintendent is authorized to make individual purchases of supplies, equipment and services not to exceed \$25,000 per purchase without prior approval of the Board and is further authorized and directed to prepare specifications, instructions to bidders, and estimate of expenditures to be presented to the Board for approval of purchases in excess of \$25,000.
  - U. Settle any claim against the CCBDD that does not exceed \$25,000.
  - V. Settle any claim in excess of \$25,000, which does not exceed \$100,000, with the concurrence of the Board president, or in the absence of the president, the vice-president of the Board.
  - W. Settle contract disputes with unions or employees. Agree to minor revisions in collective bargaining agreements including actions such as waiving deadlines, changing number of participants in activities/transactions, and other similar actions.

### 3.1.2 Calamity Day

The superintendent is authorized to close any or all facilities or cancel any program due to bad weather or other calamities. He/she is authorized to expend funds for temporary help or emergency repair work as it is necessary. Any expenditure in excess of \$25,000 shall be presented to the Board for ratification at the next Board meeting following the occurrence of the calamity.

### 3.2 Chief Financial Officer, Duties and Responsibilities

The chief financial officer is responsible for the fiscal administration of all facilities, services and supports. Included are the functions of accounting, financial management, purchasing, contract management, and budgeting.

The specific duties of the chief financial officer shall include but not necessarily be limited to:

- A. Develop and implement processes and procedures throughout the CCBDD for financial planning.
- B. Assist superintendent, directors and general managers in the development of CCBDD's annual Program and Expenditure Plan.
- C. Provide assistance and training to management staff in developing short and long-term budget objectives and expenditure plans.
- D. Plan financial operations for one to five years; coordinate financial and program plans with the superintendent and all other directors/general managers.
- E. Direct, supervise and evaluate financial/business affairs department staff in the conduct of their duties.
- F. Provide direction and assistance to key staff in preparation of new or revised procedures for accounting and budget areas.
- G. Direct the preparation and distribution of reports to the superintendent, management staff and board to keep them apprised of current financial conditions and operations
- H. Recommend budget revisions.

## Chapter 4

### General Personnel Policies

#### 4.1 Human Resources Philosophy

The Board and the superintendent are committed to having all employees achieve the greatest degree of success on their jobs as possible. To this end our philosophy is as follows:

- A. To recognize and to treat with respect each person as an individual;
- B. To establish appropriate job standards and to have employee's performance reviewed fairly and objectively;
- C. To establish staff development programs and to encourage employee participation,
- D. To assist in the career development of employees;
- E. To hire the best available candidates for open positions giving careful consideration to current employees and the CCBDD's EEO policy;
- F. To maintain compensation schedules which are competitive with similar organizations in the community and to administer the compensation programs fairly;
- G. To provide comprehensive benefits programs in keeping with the knowledge that financial security and personal health and welfare have great value for employees, their families and the CCBDD;
- H. To provide a safe, clean and pleasant work environment;
- I. To foster harmonious relations and good communications among employees;
- J. To encourage participation in community service activities; and
- K. To recognize that the reason for our organization's existence is the services needed by our enrollees. To that end, we want our services to be as good as they can be, given the resources available to provide those services.

##### 4.1.1 Human Resources Objectives

The CCBDD recognizes that the level of service provided is directly related to the competency and dependability of its employees. The CCBDD human resources objectives are as follows:

- A. To establish a standard of courteous, effective and dependable service to the public and to the consumers who receive services and supports;
- B. To ensure that all operations are conducted in an ethical and legal manner;
- C. To provide fair and equal employment opportunities and personnel practices; and
- D. To have all employees making their best efforts to perform their duties and to achieve the highest level of service to the enrollees and the public that is possible.

## 4.2 Equal Employment Opportunity

The CCBDD supports and adopts the full intent and goals of equal employment opportunity and insures that all employees and applicants will be afforded equal opportunity for appointment, promotion, training, career advancement and recognition without regard to sex, race, color, religion, national origin, age or disability.

The superintendent shall designate a single employee to be responsible for monitoring affirmative action goals as well as handling any equal opportunity complaints.

## 4.3 Non-Discrimination of Individuals with Disabilities

The CCBDD fully supports the intent of the Americans with Disabilities Act of 1990, and as amended. Discrimination against qualified individuals with disabilities is strictly prohibited in all employment practices such as recruitment, hiring, promotion, training, lay-off, job assignment and all other employment practices.

For the purpose of this policy, a qualified individual is any individual who has a physical or mental impairment that substantially limits one or more major life activities.

The superintendent shall designate a single employee to serve as the ADA Coordinator for the CCBDD to be responsible for coordination of all aspects of the Americans with Disability Act.

### 4.3.1 Employee Reasonable Accommodation

The superintendent and his designees shall make reasonable accommodations for the known physical or mental handicaps of otherwise qualified applicants for employment and employees unless the accommodation would cause undue hardship to our organization. Reasonable accommodations to a known handicap will be made on a case-by-case basis.

### 4.3.2 Grievance Procedure

Complaints alleging discrimination on the basis of disability shall be made in writing to the ADA Coordinator or shall be referred to the Coordinator if received by an employee of the CCBDD. The complaint must be made as soon as possible after the action complained of has occurred but no later than 10 working days after the occurrence. The time for filing the complaint can be waived for good cause as determined by the ADA Coordinator.

The ADA Coordinator shall investigate the complaint to determine its validity and, when appropriate, suggest a resolution. A written statement of the determination and resolution, if any, shall be sent to the complainant within 30 working days of receipt of the complaint.

If the complainant is not satisfied with the decision of the ADA Coordinator, a written appeal stating why the decision is incorrect may be made to the Superintendent within 10 working days of receipt of the ADA Coordinator's decision. The Superintendent shall review the determination of the ADA

Coordinator and send a written decision to the complainant within 30 days of receipt of the appeal.

The decision of the Superintendent shall be final.

#### 4.4 Policy Prohibiting Discrimination and Harassment

It is the policy of the CCBDD to maintain a work environment free from all forms of unlawful discrimination, including sexual harassment. Unlawful discrimination, including harassment, on the basis of race, sex, age, religion, national origin, disability and/or sexual orientation is prohibited.

##### 4.4.1

Sexual harassment is a form of unlawful discrimination and is defined to include unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- A. Submission to or rejection of this conduct is used as a factor in decisions affecting hiring, evaluation, promotion or other aspects of employment; or
- B. The conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

No supervisor or manager shall directly or indirectly imply or threaten that an applicant's or employee's refusal to submit to sexual advances will adversely affect his or her employment, employment conditions, or career development. No supervisor or manager shall suggest that an applicant's or employee's acquiescence to sexual advances may favorably affect his or her conditions of employment or career development.

Other unlawful harassing conduct in the workplace, whether committed by supervisory or non-supervisory personnel, is also prohibited. This behavior includes, but is not limited to offensive sexual flirtations, sexually degrading or vulgar words, unwelcome touching or physical contact, whistling, unwarranted sexual compliments, innuendoes, suggestions or jokes, the display of suggestive objects or pictures and the use of offensive gestures or body motions.

This behavior is unacceptable in the workplace and in other settings such as business trips and business-related social events.

##### 4.4.2 Individuals Covered Under this Policy

This policy covers all employees of the CCBDD and all persons seeking employment with it. CCBDD will not tolerate, condone or allow harassment, whether engaged in by employees of CCBDD or other non-employees who conduct business with the CCBDD.

##### 4.4.3 Reporting Procedures

CCBDD requires the reporting of all incidents that might violate this policy regardless of who the offender may be. Anyone who has observed such behavior

is also to report it even if the person who observes the behavior or overhears the remark is not the target of it.

Any person, whether or not he/she is the victim of discrimination or harassment, who believes the policy has been violated, should report it to their supervisor in writing as soon as possible. CCBDD encourages all individuals to report suspected violations of this policy as close to the date of the alleged occurrence as possible so that CCBDD can respond to the complaint in a prompt and adequate manner. Regardless of when the alleged harassment occurs, CCBDD will investigate all reported violations of this policy. If the supervisor is the alleged harasser or if an individual is uncomfortable reporting the alleged conduct to his or her supervisor for other reasons, the complaint should be reported in writing to the Superintendent or the Director of Human Resources or the CCBDD EEO/ADA Coordinator. The reason CCBDD has designated several persons to whom complaints may be made is to avoid a situation where an individual is required to complain to the person or a close associate of the person who would be the subject of the complaint.

#### 4.4.4 Protection Against Retaliation

Retaliation against an individual who has reported or complained of harassment, including sexual harassment, or who cooperates in the investigation of a claim of harassment is prohibited. A person who retaliates against another individual for reporting sexual harassment is subject to disciplinary action.

#### 4.4.5 False Accusations

Knowingly making a false report of harassment, including sexual harassment is also a violation of this policy. This is not meant to discourage individuals from making reports. CCBDD recognizes that, in some situations, it may not be possible to determine whether a complaint of harassment is true or false. Employees should not be reluctant to report information because they are uncertain of who will be believed and whether the allegation can be proved. CCBDD policy prohibits retaliation against employees who make good faith reports of information regarding enforcement of the policy prohibiting harassment, including sexual harassment.

#### 4.4.6 Investigations

Investigations of all complaints will be conducted by the CCBDD EEO/ADA Coordinator or by another investigator designated by the Director of Human Resources. CCBDD staff members are required to cooperate in the investigation of any complaint made pursuant to this policy and must comply with any request for confidentiality. Confidentiality will be maintained throughout the investigation to the extent practical and appropriate under the circumstances. Based upon the facts and circumstances determined at the conclusion of the investigation, appropriate action, which may include discipline up to and including termination of employment, will be taken. The disposition of an investigation of a complaint or report made pursuant to this policy will be communicated in an appropriate manner.

#### 4.5 Drug-Free Workplace

In accordance with federal law, the superintendent shall prepare, distribute to all employees and keep posted in conspicuous places a statement identifying CCBDD facilities as drug-free workplaces.

#### 4.6 Nepotism

- A. Members of the immediate families of Board members or the Cuyahoga County Executive/Council may not be hired to work for the CCBDD.
- B. No member of the immediate family group shall occupy any position in which he/she could directly supervise or otherwise influence a decision in favor of or against another member of the immediate family.
- C. The superintendent is authorized to establish procedures that further restrict the hiring and/or assignment of relatives of CCBDD employees.

#### 4.7 Employment Procedures

The superintendent and his designees are responsible for establishing employment procedures and practices that comply with all federal and state laws and the CCBDD EEO policy.

##### 4.7.1 Criminal Records Checks

As required in section 5126.28 of the Ohio Revised Code, each applicant under final consideration for employment with the CCBDD shall be fingerprinted and undergo a satisfactory criminal records check.

#### 4.8 Citizenship and Naturalization

To be eligible for employment with the CCBDD, an applicant must be a citizen of the United States or a legal resident with authorization to work in accordance with federal requirements.

#### 4.9 Physical Examinations

##### 4.9.1 Newly-Hired Employees

All newly hired employees who provide direct services to enrollees shall have a physical examination within 60 days of their initial employment date. A report of this physical examination signed by a licensed physician shall be filed in a separate medical file.

##### 4.9.2 Special Examinations

The superintendent may require an employee to have a physical examination at any time after the initial examination if the superintendent determines that it is necessary and reasonable for the employee to have one. The CCBDD shall pay the costs of such examination. The report of such examination, signed by a licensed physician, shall be filed in the employee's separate medical file.

##### 4.9.3 Bus Drivers

All bus drivers shall have an annual physical examination. The superintendent shall contract with a licensed physician or health care clinic to perform these examinations. The employee must file annually the report of the examination

signed by the board-contracted licensed physician. The report will be retained in the employee's separate medical file.

#### 4.10 Employee Attendance Philosophy

Employee attendance is a critical element in delivering quality care to individuals served by the CCBDD. Employee absenteeism severely impairs the CCBDD's ability to provide quality services and supports, as it negatively impacts the effectiveness of services and supports and takes money away from areas of services and supports which must then be spent on substitutes and in payment of sick leave to absent employees. The Board and the superintendent expect that all employees will report to work on time as scheduled and do so on a regular basis with as few absences as possible.

The superintendent shall develop regulations, procedures and practices that promote the highest level of employee attendance that can be achieved.

#### 4.11 Safety and Health

Work safety and health is a primary concern of the CCBDD. It is the responsibility of each employee to ensure that all safety procedures/practices are observed.

##### 4.11.1

An employee found negligent in equipment operation, resulting in either damage to the equipment or an accident, will be subject to disciplinary action that may include termination. An employee who drives county vehicles will maintain the appropriate speed limits and obey all other vehicular laws. Violators are subject to disciplinary action, including termination.

##### 4.11.2

All employees, particularly supervisors, are charged with the responsibility of reporting the existence of any hazardous conditions or practice in the workplace.

##### 4.11.3

Any accident, whether or not injuries were incurred, occurring during working hours shall be reported to the immediate supervisor at once. Upon notification, the supervisor or facility manager shall complete and submit to the risk manager an accident form no later than the end of the work shift.

##### 4.11.4

The superintendent, administrators, managers and supervisors shall be responsible for developing safety and health procedures and providing regular ongoing training programs to employees.

##### 4.11.5

All employees should be careful in providing a safe and healthy environment for the enrollees of our program.

## 4.12 Use of County Vehicles

### 4.12.1

Employees who operate county vehicles or who drive on CCBDD business shall possess a proper and valid Ohio motor vehicle operator's license that is appropriate for their driving assignment(s).

### 4.12.2

The superintendent shall develop a regulation restricting the use of personal autos used to transport CCBDD enrollees and the use of County vehicles.

### 4.12.3

Employees who drive on county business shall exercise caution and responsibility and shall abide by all safety regulations including the use of seat belts.

### 4.12.4

Employees who use their personal autos to drive on CCBDD business shall carry liability insurance, which is a secondary coverage in all accidents. The superintendent is authorized to develop a regulation to reimburse employee expenses associated with this requirement.

## 4.13 Employee Conflicts of Interest

### 4.13.1

No management employee including support administrators (including any position requiring SSA certification) and MUI investigators shall be permitted to do any of the following:

1. Be employed by, contract with, or have an ownership interest, or serve on the governing board of any agency contracting with the CCBDD or an entity doing business with CCBDD, not including public utilities and school districts.
2. Enter into any direct services agreement with any consumer or representative of a consumer eligible for services through the Cuyahoga County Board of Developmental Disabilities.

### 4.13.2

The prohibitions identified in 4.13.1 above apply equally to non-management employees except in cases where a non-management employee has had a direct services contract approved by the CCBDD ethics council. (See section 2.10.3).

No administrative, management, supervisory, clerical, or other indirect work activity will be considered a "direct service." For purposes of this section, a "direct service" is a program or service provided in the presence of the consumer consistent with Medicaid reimbursement standards whereby the provider is receiving payment for such service or program.

In order for an employee to have a direct services contract approved by the CCBDD ethics council, the employee seeking approval must submit the request to the director of human resources. Requests shall be made on a timely basis. Approvals will be effective for up to 24 months. The superintendent will notify the employee of the ethics council's decision.

In no way shall this policy be interpreted to authorize conflicts of interest or to permit outside employment that may have a negative impact on an employee's work performance.

#### 4.13.3

No management employee including support administrators (including any position requiring SSA certification) and MUI investigators can have an employment, contractual, fiduciary, or ownership relationship with an entity that provides specialized services to consumers eligible for CCBDD services. Therefore, no management employee including support administrators (including any position requiring SSA certification) and MUI investigators can do any of the following:

1. Have any such relationship with any entity providing specialized services whether or not that entity has a contractual relationship with CCBDD.
2. Work as an employee or consultant for an entity providing "specialized services."
3. Be a member of the governing board (e.g. board of trustees) of an entity providing "specialized services."
4. Have any contractual relationship with an entity provided "specialized services."

State law defines "specialized services" as any program or service designed or operated to serve primarily individuals with developmental disabilities.

#### 4.13.4 Policy Permitting Continued Employment

This policy permits employment of an individual with an immediate family member employed by, contracting with, or having an ownership interest in an agency contracting with the CCBDD and/or an entity doing business with the CCBDD.

The CCBDD will permit such employment subject to the following restrictions:

1. The employee has not made an improper or illegal monetary gain as a result of the contract, or

2. The employee has not influenced the transaction that results in unfair treatment of a competing contracting agency or entity, or
3. The employee has not influenced the award of the contract in violation of O.R.C. Section 2921.42. or
4. The employee has not taken any steps to create the need for services to be provided under the contract (e.g., provide service authorized by an IP when the employee is a member of the IP team.)

In the event that a member of the immediate family of a management employee is hired (or employed by), or contracts to provide services as an independent contractor by an agency who contracts with the CCBDD or an entity doing business with CCBDD, the management employee, in order to remain employed by the board, must obtain approval by the county board acting as the ethics council per O.R.C. Section 5126.031 and 5126.032. The ethics council will be guided by the following O.R.C. Sections: Chapter 102, 2921.42, 2921.43, and 2921.44.

The superintendent will provide written notification to the employee of the ethics council's decision.

#### 4.13.5

The ethics council will include in the definition of "agency contracting with the CCBDD" only those entities that are public or private that are organized in whole or in a significant part of the organization to provide "specialized services," i.e., services or programs primarily intended for Cuyahoga county residents with development disabilities. Entities such as public utilities, the regional transit authority, hospitals, school districts, and commercial businesses doing business with the general public are not included in this definition.

#### 4.13.6

The Board policies may be modified by decisions of Ohio courts interpreting state law. In the event that state law is interpreted differently than provided in Section 4.13, the Board will change this policy as soon as possible. Meanwhile, employees may be obligated to act immediately.

#### 4.14

Employees are strictly prohibited from becoming involved in any partisan political activity on behalf of any party or candidate for the following public offices: Cuyahoga County Commissioner, Cuyahoga County Auditor, Cuyahoga County Probate Judge, and Cuyahoga County Prosecuting Attorney.

#### 4.15

Ohio law may require other restrictions for CCBDD employees.

## 4.16 Personnel Records

### 4.16.1

The superintendent or his designee shall maintain in the central office personnel records for each staff member. Personnel records shall include, but not be limited to the following.

- A. Name, permanent and current address, phone number and person to notify in case of emergency;
- B. Job description;
- C. Attendance records;
- D. Record of permanent or temporary certification or license, as applicable;
- E. Payroll information;
- F. Personnel action forms; and
- G. Records of in-service training.

### 4.16.2

Internal access to personnel files shall be limited to the following individuals:

- A. Superintendent,
- B. Directors/General Managers,
- C. Human Resources division staff members,
- D. Persons with supervisory authority,
- E. Employee,
- F. Authorized employee representative, and
- G. Ohio Department of Developmental Disabilities personnel authorized by the Director of ODODD .

### 4.16.3

An employee may review his/her file at a time he/she is not scheduled to work. Human Resources personnel will duplicate anything in an employee's or former employee's file up to 25 pages per year at no cost to the employee or former employee. Employees and former employees requesting copies in excess of 25 pages in any 12-month period of time shall be charged the established rate per page for all copies in excess of the first 25 pages. Copying charges shall be paid in cash or money order upon receipt of the copies.

#### 4.16.3.1

Copies of personnel records requested for collective bargaining business shall be provided at no charge for the first 50 pages in any 6-month period of time. Copies in excess of 50 pages within any 6-month period shall be assessed the established rate per page.

### 4.16.4

The director of Human Resources shall comply with collective bargaining contract provisions that relate to personnel files, as appropriate.

Employees may respond to materials that are placed in their personnel files, and their responses shall be attached in their personnel files at their request.

#### 4.16.5

The director of Human Resources may have material that is inappropriate, inaccurate or untimely removed from a personnel file. No material will be released to unauthorized persons/agencies from an employee's file without written consent from the employee and at the employee's expense unless it is a public record and subject to a public information request per ORC 149.43.

#### 4.16.6

Any valid requests to examine personnel records pursuant to the Ohio public records law shall be granted if required by law. A CCBDD employee shall be present at all times while this material is being examined.

### 4.17 Volunteers

#### 4.17.1

The CCBDD believes that volunteers provide a valuable service for people with developmental disabilities. The time and talents offered by volunteers greatly enhance and enrich the quality of services provided by the CCBDD.

#### 4.17.2

All persons working with CCBDD enrollees in a volunteer capacity, including all PTCU members who are elected officers or chairpersons of council or units or who assist at PTCU activities involving CCBDD enrollees, shall do so only after being formally accepted into the CCBDD volunteer program. Interested candidates must apply for volunteer status through the CCBDD's volunteer coordinator prior to the beginning of their volunteer experience.

The volunteer application procedures shall include completion of the following:

- A. Volunteer program's application with references;
- B. Felony conviction check request;
- C. Job description, hazard statement and volunteer agreement, all signed by the volunteer and his/her prospective supervisor;
- D. A personal interview with the CCBDD's volunteer coordinator or designee and the volunteer's prospective supervisor; and
- E. Fingerprinting.

A candidate is formally accepted into the volunteer program after successful completion of the application procedures, satisfactory results of the volunteer's personal reference and criminal background checks, identification of volunteer program need, and formal placement with a CCBDD volunteer supervisor.

#### 4.17.3

The minimum age for a volunteer is fourteen (14) years old. Those volunteers under eighteen (18) years of age must have written parental permission to participate in the volunteer program.

#### 4.17.4

Any person not completing the application procedures outline in 4.17.2 above shall not be considered a participant of the volunteer program and shall not be permitted to act as a CCBDD volunteer. Volunteers shall only participate in activities designated by an appropriate volunteer supervisor.

#### 4.17.5

In recognition of the value of volunteers, the CCBDD recognizes a corresponding responsibility to provide volunteers with adequate volunteer job orientation, training and development, performance evaluations, safe and healthful working conditions, adequate space and equipment and recognition for services.

#### 4.17.6

Persons providing volunteer services shall do so under the supervision of professional staff. At no time may a volunteer act in lieu of staff.

#### 4.17.7

Volunteers shall comply with applicable CCBDD policies, particularly those that apply to enrollees and their families.

#### 4.17.8

Procedures for volunteer recruitment, selection, orientation, training, evaluation, recognition, termination and any other recognized components of the CCBDD's volunteer program shall be developed and disseminated, as appropriate, to all volunteers and staff by the superintendent or his/her designee.

### 4.18 Staff Development

The CCBDD encourages all employees to participate in staff development activities such as staff meetings, courses, workshops, clinics, local area meetings and observation or other programs to the extent that such activities do not interfere with the operating needs of the program. Records concerning participation in such staff development activities shall be maintained in the personnel office of the CCBDD.

To the extent possible, the CCBDD shall establish affiliations with universities and colleges to provide internship programs, training and volunteer opportunities for university students and/or CCBDD employees. The CCBDD shall cooperate with research activities to the extent that such support is feasible.

### 4.19 Employee Ethics

All employees are expected to maintain the highest possible ethical and moral standards and to perform within the laws of the State of Ohio and other rules and regulations.

It is essential that the public maintain confidence in the employees of the CCBDD. For this reason, it is important that CCBDD employees refrain from any action that involves using public office for private gain or giving preferential treatment to any individual, group or entity.

Employees shall at all times adhere to the following standards of conduct:

4.19.1

Employees shall not engage in outside employment that results in a conflict of interest with their duties as CCBDD employees.

4.19.2

Employees shall not solicit or accept anything of economic value in excess of \$25 per year from any individual or entity engaged in business dealings or seeking to engage in business dealings with the CCBDD.

4.19.3

Employees shall not use CCBDD property for other than proper activities.

4.19.4

Employees shall not accept gifts from enrollees having a value greater than \$25 nor more frequently than two (2) times per year.

4.19.5

Employees shall not hire program enrollees for private work except as specified in paragraph 4.20.5 of CCBDD policy.

4.19.6

Employees shall not date program enrollees (see Section 4.20 of this policy manual)

4.19.7

Employees shall always record correct information on paperwork that relates to the individuals we support, e.g. assessment, IPs, individuals' work reports, etc.

4.19.8

Employees shall always report their work time properly; give correct information on insurance claim forms, as well as applications for certification or licensure; use their leave time for proper purposes; and refrain from acts that will be harmful to the CCBDD, other employees or any enrollee.

4.19.9

Employees, who have knowledge of ethical violations, including gross neglect of duty or any misconduct by a CCBDD contractor, shall report the information to their supervisor. If no action is taken, the employee shall report the information to the supervisor's supervisor or the superintendent or any CCBDD administrator.

#### 4.20 Employee Conduct – Relationship with Enrollees

4.20.1

All enrollees have the right to be treated at all times with courtesy and respect, and with full recognition of their dignity and individuality. All enrollees have the right of access to opportunities that enable them to develop their full human potential.

Each enrollee has the right to be treated equally as citizens under the law. Each enrollee has the right to be free from emotional, psychological and physical abuse and to be free from unnecessary chemical and physical restraints.

CCBDD employees shall endeavor to protect these rights at all times. Employees shall report any suspected abuse or neglect of enrollee rights to their immediate supervisor. They shall cooperate in any investigations regarding abuse or neglect. In the event that no action is taken, employees shall make such report directly to the superintendent.

#### 4.20.2

No employee shall subject an enrollee to physical, verbal or psychological/emotional abuse. Procedures that cause physical, visual and/or auditory pain are strictly prohibited. Attacks on personal dignity, such as foul language, name-calling, shouting and other types of verbal abuse are forbidden. Actions such as threats, whether founded or unfounded, or the use of objects that are frightening to an enrollee constitute psychological/emotional abuse and are forbidden. Each staff member shall comply with the proper procedures for behavior support as adopted by the CCBDD.

#### 4.20.3

No employees shall subject an enrollee to sexual abuse or take advantage of him/her by procuring sexual favors either on or off regular work hours.

#### 4.20.4

At no time shall an employee betray the trust relationship that exists between himself/herself and the enrollee. In particular, relationships outside the school/work environment require caution regarding social contacts, financial dealings, or any other activities that would take advantage or appear to take advantage of the trust the enrollee has in the employee who is working for the well-being of the enrollee.

#### 4.20.5

Any employment of enrollees by employees requires the approval of the employee's manager or principal. Remuneration shall be at least the usual or prevailing wages for such services.

### 4.21 Workers' Compensation

#### 4.21.1

The CCBDD shall fully comply with state law in providing workers' compensation protection to all CCBDD employees.

#### 4.21.2

The superintendent shall develop procedures that provide prompt and effective processing of all valid workers' compensation claims.

## 4.22 Expense Reimbursement

Employees of the CCBDD may receive reimbursement for expenses incurred while on CCBDD business or approved professional leave.

The superintendent shall establish procedures to implement this policy subject to the following:

### 4.22.1

The superintendent and his designee shall comply with all collective bargaining agreements.

### 4.22.2

No expense reimbursement shall be paid for travel between home and work, except that a second round trip on the same day may be reimbursed.

## 4.23 Disciplinary Actions

The superintendent or his/her designee shall have the authority to discipline an employee, including termination, when, in the judgment of the superintendent, the employee's poor work performance or misconduct is a detriment to the program.

### 4.23.1

The superintendent or his/her designee shall develop rules governing employee conduct and shall notify all employees of such rules.

### 4.23.2

The superintendent shall establish rules that govern investigations and hearings in disciplinary matters. Such rules shall require that each employee be provided due process in such investigations and/or hearings.

### 4.23.3

The superintendent shall have the authority to settle all claims with employees that involve disciplinary actions or work performance problems. The superintendent or his/her designee may suspend a staff member with pay during investigations or enter into an agreement whereby an employee resigns and receives reasonable severance pay.

## 4.24 Compensation – Temporary and Substitute Employees

The superintendent or his/her designee may hire temporary and/or substitute employees as necessary and pay them a rate that does not exceed the maximum rate for the permanent position, but that may be less than the minimum rate for the permanent position.

## 4.25 CCBDD Network, Internet, and Email acceptable Use Policy

The CCBDD grants employees the privilege of access to interconnected computer systems, equipment and programs; the Internet; Intranet (Infonet); electronic mail; fax machines, copy machines, cellular and land line telephones; voicemail and other technologies (the Network) as necessary to perform their duties. The

Information Technologies Department will be responsible for the administration of access controls to all Network systems and will process adds, deletions and changes upon receipt of a written request from the end user's supervisor.

This privilege is contingent upon the employee's reasonable, appropriate, and legal use of the above named technologies. All employees who use the CCBDD Network in any fashion, either on-site or remotely, are subject to this policy.

#### 4.25.1 CCBDD Retains the Right of Revocation, Unlimited Inspection and Use

The CCBDD reserves the right to monitor, inspect, copy, review, and store at anytime and without any notice any and all usage of technologies including any and all materials, files, data, software, communications and other content transmitted, received, or stored in connection with this usage. By accepting CCBDD Network access privileges, users waive any and all rights of privacy in connection with their usage including, but not limited to, protections provided by the Federal Wiretaps Act of 1968 and the Electronic Communications Privacy Act of 1986, 18 U.S.C. § 2510-2520. All such information, content, and files shall be and remain the property of CCBDD and users should not have any expectation of privacy regarding those materials. Network access may be revoked at any time and for any reason or without explanation. CCBDD designated personnel may review files and intercept communications for any reason and without explanation and may recover any and all material resident on any computer, other device, or storage media by forensic means.

#### 4.25.2 Purpose and Use

The Network shall be used to support legitimate CCBDD business. Other brief, incidental uses may be permitted from time to time without waiving any rights retained by CCBDD, but uses that interfere with normal business or violate CCBDD policies are always strictly prohibited.

#### 4.25.3 Access

Network resources are intended for use by authorized users only. Anonymous use is not permitted, and access granted to one user may not be shared or transferred, even with another authorized user. Users may not share their passwords or otherwise allow anyone to gain unauthorized or anonymous access to the CCBDD Network or the Internet. A user may be subject to disciplinary action for any violations of this policy committed by someone else who, with the user's expressed or implied permission or by the user's negligence, accesses the Network or other CCBDD resources with the user's password.

#### 4.25.4 Network Etiquette

The Information Technologies Department will provide appropriate support and guidance to assist employees in fulfilling their responsibilities under these directives. Managers and supervisors must ensure that all direct reports are aware of and comply with this policy.

All users must abide by the rule and spirit of Network etiquette. Among the uses and activities that violate Network etiquette and constitute a violation of this policy are the following:

- a) Using inappropriate language, including swearing, vulgarities or other language that is suggestive, obscene, profane, abusive, belligerent, harassing, defamatory, or threatening.
- b) Using the Network to make, distribute or redistribute jokes, stories, or other material that would violate CCBDD's harassment or discrimination policies, including material that is based upon slurs or stereotypes relating to race, gender, ethnicity, nationality, religion, sexual orientation, or other protected characteristics.
- c) Using the Network in a manner inconsistent with the professional standards expected of a CCBDD employee. When using the Network, users should remember that they are representing the CCBDD each time the account is used and that they are often creating documents that may be seen by the public. Communications on the Network need not be formal, but must be professional in appearance and tone.

#### 4.25.5 Unacceptable Uses

As the owner of the facilities and systems involved, the judgment of CCBDD administration in such matters is final. The CCBDD will make a good faith effort to consider the interests of the users as well as the needs of the CCBDD and the Network in making such judgments. Among the uses and activities that are considered unacceptable that constitute a violation of this policy are the following:

- a) Uses or activities that violate the law or that encourage others to violate the law.  
Among such uses or activities are the following:
  - i. Offering for sale or use any illegal substance or
  - ii. Creating, copying, viewing, transmitting, downloading, uploading, or seeking sexually explicit, obscene, or pornographic materials.
  - iii. Creating copying, viewing, transmitting, downloading, or uploading any materials that include the design or detailed information for the purposes of creating illegal devices or substances, materials in furtherance of criminal activities or terrorist acts, threatening materials or any other materials that violate, or encourage others to violate federal or state law or other applicable laws and regulations.

- iv. Unauthorized copying, modifying, intruding, or attempts to copy, modify, or intrude, into the folders, files, data, work, networks, passwords, or computers of other persons, or entities, or intercepting communications intended for those persons or entities.
  - v. Copying, downloading, uploading, or transmitting confidential information, trade secrets, personally identifiable information, or any and all other records or data protected by law.
- b) Uses or activities that cause harm to other persons or entities or damage to their property including downtime and loss of service. Among such uses or activities are the following:
  - i. Uploading, downloading, creating, or transmitting a computer virus, worm, Trojan horse, or other harmful component or corrupted data, or vandalizing the property of another. Vandalism includes any malicious attempt to hack, alter, harm, or destroy software, hardware, data of another user, other Network resources, or the use of the Network to destroy anything on the Internet or outside networks.
  - ii. Uploading, downloading, copying, redistributing, or republishing copyrighted materials without permission from the owner of the copyright which do not fall under the “Fair Use” doctrine. Even if materials on the Network are not marked with the copyright symbol, you should assume that they are protected under copyright laws unless there is explicit permission on the materials to use them. Users are responsible for knowing and following copyright law and for documenting compliance.
  - iii. Using another’s password or some other user identifier that misleads message recipients into believing that someone other than you is communicating or otherwise using the other’s access to the Network.
- c) Commercial uses. Users shall not use the Network for any commercial activities, such as buying, advertising, or selling goods or services (whether to one recipient or many, such as “junk email”), unless it is for legitimate CCBDD business. Users shall not conduct any work or communication relative to their privately-owned or third-party business using CCBDD networks or equipment.
- d) Uses or activities that are unrelated to legitimate CCBDD business purposes and that divert paid employee time from CCBDD business to other matters, other than such brief, incidental uses as

may otherwise be permitted except during breaks and unpaid time. Users may not use the Network to play games, access chat rooms or bulletin boards, or engage in instant messaging.

- e) Use of providers of email other than the Network makes any communication sent or received on such systems part of CCBDD's data and subject to any and all uses by CCBDD. To assure maintenance of complete records, ALL official CCBDD business MUST be conducted using ONLY CCBDD's email system.
- f) Uses that degrade or disrupt the operation of the CCBDD Network or that waste computer or telephone resources, such as spamming, creating or forwarding mass emails, or sending chain letters. The use of CCBDD\_All must be limited to business directly related to CCBDD or like agencies.
- g) Creating, transmitting, or downloading any materials that support or oppose the nomination or election of a candidate for public office or the passage of a levy or a bond issue without approval of the superintendent. Additionally, users shall not solicit political contributions through the CCBDD Network from any persons or entity.
- h) Installing software or hardware without the prior consent of the CCBDD Information Technologies Department. Users may not move, repair, reconfigure, modify, or attach any external devices to the Network or other CCBDD equipment and may not download or otherwise install any software, even temporarily on CCBDD computers or systems.

#### 4.25.6 Brief Incidental Employee Use of Electronic Mail and Internet

In keeping with our desire to create a good workplace and one that recognizes work-life balance, CCBDD permits employees to use their electronic mail during work time for personal matters in a manner comparable to what is allowable personal use of CCBDD telephones. Specifically, limited personal use of email is permitted so long as it does not interfere with the user's productivity or official duties nor create any cost to CCBDD. It is important to recognize that while limited personal use of email may be allowed, email messages may be deemed to be public records subject to public inspection and copying as required under State of Ohio records laws. Employee Internet access for personal reasons during work hours should be extremely limited and may be monitored and evaluated by management. Regular, repeated, and/or lengthy use of the Internet, as determined by management, may trigger disciplinary action.

#### 4.25.7 Confidentiality

The confidentiality of any information stored in or created, received, or sent over the email system or through Internet access cannot be assured. To the extent feasible, users should avoid transmitting confidential information over the email system or through Internet access. If personal information about a consumer must be transmitted, users should avoid using the consumer's full name. The full name of a consumer must never appear in the subject line of an email message to protect confidentiality. ALL emails created or transmitted by a user must have a "Private and Confidential" disclaimer appended. All users may verify email addresses to which confidential information is to be sent prior to that transmission.

#### 4.25.8 License Violations

Typically, CCBDD licenses, rather than owns, software for use. Licensed software may only be reproduced by an authorized CCBDD administrator in accordance with the terms of the software licensing agreement. Unauthorized copying, alteration, removal, redistribution, or republication of licensed materials is prohibited.

#### 4.25.9 Websites

Web sites created through the Network and/or linked with CCBDD's official web site must relate specifically to legitimate business purposes. Web sites created using the CCBDD's equipment are the sole and exclusive property of CCBDD. CCBDD reserves the right to require that all material and/or links with other sites found to be objectionable be altered or removed.

#### 4.25.10 Security

If a user identifies abuse or a security problem on the Network or observes such misuse, or otherwise has knowledge of such misuse, the user must notify the general manager of Information Technologies immediately. All users must cooperate with CCBDD in the event of an investigation into any allegation of abuse or breach of the Network security.

#### 4.25.11 Warranties and Indemnifications

CCBDD makes no warranties of any kind, either expressed or implied, in connection with its provision of access to or use its Network and/or equipment. It shall not be responsible for any claims, losses, damages, or costs (including attorney's fees) of any kind suffered, directly or indirectly, by any user arising out of the user's use of, or inability to use, the Network and/or equipment.

By accessing the Network, users are agreeing to indemnify and hold CCBDD and all of its administrators and staff harmless from any and all loss, costs, claims, or damages (including attorney's fees) resulting from access to and use of the Network and/or equipment through the user's account, including but not limited

to, any fees or charges incurred through purchases of goods or services by the user.

#### 4.25.12 Damages

Any damage and/or loss to technology resources will be the responsibility of the employee user.

#### 4.25.13 Violation of this Policy

Violations of this policy may result in disciplinary action, including, but not limited to, restriction or termination of access to the Network; other discipline in accordance with CCBDD policy up to and including termination of employment; referral to legal authorities; and/or other legal action.

## Chapter 5

### Certified Personnel Policies Affecting Non-Bargaining Employees

#### 5.1 Delegation

In this section, any reference to the superintendent maybe interpreted as “superintendent or his designees”. The superintendent shall have the authority to delegate any of the responsibilities outlined in this chapter.

#### 5.2 Posting Procedure

The superintendent shall post available permanent, full-time non-bargaining positions. The procedures for this system shall be developed by the superintendent.

#### 5.3 Evaluation of Applicants/Selection Procedure

The superintendent shall select the candidate that is deemed to be best qualified for an available position, giving consideration to a candidate’s skills, work record, integrity and knowledge.

The superintendent shall establish selection procedures that are fair and equitable.

#### 5.4 Promotions

##### 5.4.1

Any position may be upgraded at the discretion of the superintendent. An upgraded position will not be posted, nor will applicants be considered for the position.

##### 5.4.2

Current employees may seek any posted position in a higher pay range. Not all employee applicants will be interviewed for available promotions, but all employee applicants will be considered.

#### 5.5 Certification/Licensure

##### 5.5.1

All non-bargaining employees shall be required to meet or exceed the state of Ohio certification or licensure requirements for their positions.

##### 5.5.2

Applicants who possess the educational and experience requirements necessary to obtain certification or licensure may be eligible for hire. Certification or licensure shall be obtained as soon as possible.

##### 5.5.3

The superintendent may establish requirements more stringent that the state certification or licensure requirements.

## 5.6 Employee Discipline

### 5.6.1

The superintendent shall comply with Ohio law in the implementation of employee discipline. All employees will be permitted a right-to-respond conference prior to any formal disciplinary decision. The superintendent may suspend an employee without pay, pending the determination to be made after the right-to-respond conference.

### 5.6.2

If an appeal is made to a decision of the superintendent, the superintendent shall have the option of making an arbitration agreement, obtaining a referee to conduct a ORC Section 5126.23 hearing, or having the matter heard by the Board.

### 5.6.3

The superintendent is authorized to secure legal counsel as well as the services of investigators to assist in all matters of employee discipline, whether the employee(s) involved are non-bargaining or bargaining unit members.

## 5.7 Employee Complaint Procedure

The superintendent shall establish an employee complaint procedure for non-bargaining employees. These procedures should permit employees to have their complaints heard by the superintendent or the appropriate director if they are dissatisfied with responses from their supervisors.

## 5.8 Lay Offs – Classified Employees

In the event that it is necessary to lay off classified employees, the superintendent is required to comply with state civil service law and is authorized to make severance payments to employees who are laid off without an expectation of recall. The superintendent shall make the determination of necessity of lay off and shall report such reasons to the Board.

## 5.9 Lay Offs – Unclassified Employees

### 5.9.1

The superintendent has broad discretion to lay off unclassified employees for any reason including efficiency of operation.

### 5.9.2

The superintendent shall use position seniority as the determining factor in the event that the lay off involves positions that have more than one incumbent with identical position titles and not all such employees are being laid off. The position title or signed position descriptions and/or contracts must be identical in order for the employees to be considered having the same position title.

### 5.9.3

Employees shall not be permitted to bump into a different position.

#### 5.9.4

The superintendent may offer a different position to an employee in lieu of a lay off.

#### 5.9.5

Employees on lay off shall be eligible for recall for a period of one year. Employees on lay off shall be permitted at least one week to report to work. After one week, the superintendent is permitted to hire another employee to replace the laid off employee. If an employee declines a recall, whether verbally or by failing to return to work, that employee shall forfeit all recall rights.

#### 5.9.6

The superintendent shall notify employees on lay off of their place on the recall list at the time of lay off.

### 5.10 Probation

#### 5.10.1

The probationary period for all classified employees is six months from the date of the appointment to the permanent position.

#### 5.10.2

There is no probationary period for unclassified employees.

### 5.11 Performance Evaluation

#### 5.11.1

The superintendent shall establish a system of performance evaluation that requires that employees be evaluated on performance-based criteria. Employees shall be evaluated annually in their initial three years of employment and at least every three years thereafter.

#### 5.11.2

Employees shall be permitted to examine their performance evaluations, have a conference with the preparer and have a copy if requested.

### 5.12 Overtime Pay/Compensatory Time Accrual and Use

The superintendent shall comply with the Fair Labor Standards Act as it applies to non-exempt employees.

### 5.13 Compensation

#### 5.13.1

The CCBDD intends to pay its employees a fair and equitable wage that is comparable to what like organizations pay employees who perform the same or similar duties. The CCBDD wants its compensation programs to provide incentives for its employees to strive for excellent performance.

#### 5.13.2

The superintendent has, by law and by this policy, broad discretion to pay employees subject to the pay ranges approved by the Board.

#### 5.13.3

In addition to regular salary and other forms of compensation, the superintendent is authorized to pay lump-sum bonuses to employees for meritorious performance and other good reasons as long as the total salary plus bonuses does not exceed the approved pay range by more than \$2500. (Salary alone may not exceed the maximum of the approved salary range.)

#### 5.13.4

The superintendent shall establish paid leave benefits that comply with the requirements of Ohio law.

### 5.14 Retire/Rehire Policy

If the Superintendent in his/her judgment believes that the best person to fill an available position is a current retiree or former employee who has retired from the CCBDD, the Superintendent shall have the discretion to rehire that employee subject to the following:

- A. The Superintendent shall develop a set of guidelines for such re-employment agreements which shall be used in negotiating the terms of such arrangements. Said guidelines shall be reviewed with the Board.
- B. The Superintendent shall not rehire an employee who has received a buyout agreement, including an ERIP buyout, to any full-time permanent position within two years of receiving such buyout.
- C. The Superintendent shall limit this practice to situations where there is a significant benefit to the CCBDD in cost and for quality services.

## Chapter 6

### CCBDD Public Records

#### 6.1

The superintendent shall be accountable for maintaining the public records of the CCBDD subject to all applicable federal, state and local laws and regulations. These public records shall be available to be reviewed by members of the public pursuant to relevant sections of ORC 149.43. This policy does not pertain to those records considered PHI (Protected Health Information) and addressed in other state and federal laws.

#### 6.2

Persons, other than employees requesting to review their personnel records, who wish to examine a public record, must make a request to the superintendent or his designee. The public record requested must be a specific public record that is in existence at the time of the request.

#### 6.3

The superintendent shall not permit official, public records to be examined unless a CCBDD employee is present during that examination.

#### 6.4

Persons who wish to have a photocopy of a public CCBDD record except as provided in sections 4.16.3 and 4.16.3.1 of the Board Policy Manual shall pay for the cost of the photocopy upon receipt of the requested copies.

#### 6.5

The CCBDD shall place a hold on public records, and any other information in its possession, related to and/or in response to litigation, potential litigation, or an investigation. A record hold will assure that the CCBDD complies with all applicable state and federal laws, all administrative rules promulgated under the authority of such laws, court decisions, and court rules that pertain to the protection and preservation of such public records or other information.

In order to ensure compliance with this policy the Superintendent of the CCBDD or his designee shall develop and adopt procedures that provide guidelines for the management and preservation of public records and other information involved in litigation, potential litigation, or an investigation.

## Chapter 7

### Business and Non-Instructional Operation

#### 7.1 Program and Expenditures Plan

##### 7.1.1 Submission to Cuyahoga County Executive/Council

By December of each year, the Board shall approve and submit to the Cuyahoga County Executive/Council for appropriation an expenditure plan for the next year that shall be the CCBDD annual action plan. The expenditure plan shall include the total amount of money to be spent in the next calendar year for each fund, the amount to be spent for employee salaries and employees' benefits for each fund, the total number of employee positions to be authorized, a statement of philosophy, an organizational chart, goals and objectives of the major components of the CCBDD's services and supports and the results of an assessment of facility and service needs of eligible people in Cuyahoga County with developmental disabilities.

##### 7.1.2 Date of Submission

No later than October 31 of each year, the superintendent shall prepare and submit to the Board a proposed services/supports and expenditures plan for the next calendar year.

##### 7.1.3 Supporting Details

The superintendent shall submit, with the proposed program and expenditures plan, such supporting details as individual service and support expenditures or line-item account number expenditures that the Board requests or the superintendent thinks necessary for complete understanding of the proposed plan.

#### 7.2 Spending Authority

##### 7.2.1 Authorization to Expend Funds

The superintendent is authorized to expend funds necessary for the operation of the CCBDD up to the limits for salaries, employee benefits and the total for each fund as established by the CCBDD's annual plan.

##### 7.2.2 Authorization to Purchase

The superintendent is authorized to make any single purchase of goods or services of less than \$25,000. Any single purchase of \$25,000 or more shall be authorized by the Board.

#### 7.3 Bidding and Contract Award

##### 7.3.1 Advertising

The CCBDD shall advertise for bids and award contracts for any single purchase of goods or services in excess of \$25,000 pursuant to Section 307.86 and 5126.071 of the Ohio Revised Code. The CCBDD may purchase goods and services in excess of \$25,000 through state term contracts and cooperative

purchasing programs per ORC 5126.05, (E). Pursuant to Section 125.04 of the Ohio Revised Code, such purchases shall be exempt from competitive selection procedures otherwise required by state law.

#### 7.3.2 Quotations

The business office shall obtain at least two informal quotations for any single purchase of goods or services between \$1,000 and \$25,000. All such purchases of goods or services will be made through competitive bid. The superintendent may authorize any single purchase between \$1,000 and \$25,000 from the vendor submitting the lowest and best quotation as recommended by the purchasing office. The superintendent may authorize the purchase of goods and services between \$1000 and \$25,000 through state term contracts and cooperative purchasing programs that are exempt from competitive selection procedures otherwise required by state law.

#### 7.3.3 Specifications

Advertisements for bids and informal quotations shall be based on carefully prepared specifications developed by the user of the needed goods and services and published by the purchasing office.

#### 7.3.4 Major Projects

In the case of major projects such as those requiring architects' or engineers' specifications, the Board shall approve the specifications and cost estimates before bids are solicited.

#### 7.3.5 Presentation of Bids

Any and all competitive bids for alterations and other major projects shall be presented for Board consideration at a properly convened meeting with a recommendation for contract awards.

#### 7.3.6 Authorization

The superintendent is authorized to execute all documents necessary for contract awards made by the Board.

#### 7.3.7 Nondiscriminatory Contracts

Any individual, agency or service provider entering into a contract with the CCBDD shall act in a nondiscriminatory manner both as an employer and as a service provider and shall act without regard to race, color, national origin, religion, age, sex or handicap of the employee or program beneficiary. Every contractor shall assure that all physical facilities used, as part of contracted services shall be accessible and usable by handicapped persons served under the terms of the contract. Failure to do so may result in the termination of the contract.

#### 7.3.8 Compliance with State and Federal Regulations

Any individual, agency or service provider entering into a contract with the CCBDD to provide direct services to enrollees of the CCBDD shall be in

compliance and maintain compliance during the course of the contract with all relevant state and federal regulations that govern licensure, certification, provision of service or funding as appropriate.

#### 7.4 Service Contracts

The Board may enter into service contracts with an agency or with an individual to provide eligible individuals the facilities, programs, services and supports authorized or required upon such terms as may be agreeable and in accordance with Chapter 3323 and 5126 of the Ohio Revised Code and rules adopted there under. Any such contract shall be managed and monitored to assure that services and supports contracted for are provided in accordance with the terms of the contract and comply with the rules of the Ohio Department of Developmental Disabilities .

#### 7.5 Transportation

The CCBDD will provide transportation services in accordance with the Ohio Revised Code and the Ohio Administrative Code for all individuals enrolled with CCBDD for services and supports. The nature and extent of transportation services to be provided each individual served shall be determined through the IEP or service planning process. The determination shall be reviewed annually.

##### 7.5.1 Waiver Transportation

The CCBDD may be a provider of waiver-funded transportation services. Determination for services will be made on a case-by-case basis in accordance with CCBDD procedures. In the event that the CCBDD provides Medicaid waiver transportation services, such transportation services will be in accordance with OAC 5123:2-9-18 in addition those referenced in this chapter.

##### 7.5.2 Route Assignment

Each individual enrolled with the CCBDD for services and supports and whose plan indicates so shall be assigned to an appropriate transportation route upon the instructions of the appropriate departmental director/general manager.

Specific route assignments shall be made by the CCBDD's general manager of transportation or designee upon receipt of the appropriate authorization from a departmental director/general manager.

##### 7.5.3 Suspension

No enrollee's transportation service may be suspended except by the superintendent or his/her designee, and then only for the protection of the enrollee's physical well-being or others' physical well-being. Such suspension shall be only for the minimum amount of time required to correct the harmful conditions or to conclude a change in services and supports.

##### 7.5.4 Voluntary Transportation Service

Provided there has been prior agreement between an adult enrollee, a parent or other person having care of a child and the superintendent, an enrollee with

CCBDD who is willing to transport himself or herself by walking, riding public transportation or in other ways to successfully reach the site where services and supports are received may not be required to ride the transportation vehicles provided by the CCBDD.

#### 7.5.5 Training for Independent Travel

##### 7.5.5.1 Specialized Services

In pursuance of its responsibilities to train and educate citizens who have developmental disabilities, it shall be the policy of the CCBDD in determining the nature of and extent of transportation services to be provided, to provide totally dependent, specialized transportation services where it has been first determined that:

- A. Non-specialized services are unavailable,
- B. Those services that are available are inaccessible,
- C. Those services that are accessible are unsuitable (i.e. by their nature prohibit use by people who have developmental disabilities), or
- D. The individual with a developmental disability cannot learn to make use of those services that are accessible.

##### 7.5.5.2 Alternate Services

The provision of alternate services shall be addressed in the development of the enrollee's IEP/Service plan.

The CCBDD shall reimburse an enrollee or his/her parent for the cost of alternate transportation service determined by the CCBDD to be more appropriate for the enrollee.

#### 7.5.6 Vehicles

##### 7.5.6.1 Buses

All school buses used to provide specialized transportation for enrollees transported to the CCBDD's service and support sites shall be equipped with appropriate safety equipment. The following inspections shall be conducted on these school buses:

1. An annual inspection by the Ohio Highway Patrol that indicates the bus meets Ohio School Bus minimum standards,
2. A daily pre-trip safety inspection,
3. A daily post trip inspection for remaining passengers and belongings, and
4. Regular maintenance inspections that are part of a systematic preventative maintenance program.

Certified school buses shall be used as the regular vehicle assigned to routes transporting school-age children.

##### 7.5.6.2 Alternate Transportation Vehicles

Alternate vehicles may be used where school bus use is inappropriate or impractical. All alternate vehicles used to provide specialized

transportation services shall be equipped with appropriate safety equipment. Alternate vehicles must comply with all rules and regulations for the type of service provided. The following inspections shall be conducted on these vehicles:

1. An annual safety inspection that meets all federal, state and local requirements for the type of vehicle used. Vehicles not requiring said inspections shall, at a minimum, meet the requirements of the Random Vehicle Inspection Rules of the Department of Safety;
2. A daily post trip inspection for remaining passengers and belongings; and
3. Regular maintenance inspections that are part of a systematic preventative maintenance program.

#### 7.5.7 Route Information

Current route directions, emergency medical information and lists of persons to be transported and their addresses shall be established and maintained in the administrative offices of the CCBDD.

#### 7.5.8 Vehicle Assignment

No vehicle shall be overloaded. Enrollees may be assigned seats of specially designed supports. A vehicle shall be considered overloaded if the number of passengers exceeds the body manufacturers rated seating capacity of the vehicle.

#### 7.5.9 Scheduling

The CCBDD shall schedule regular routes 10 days before the start of each program, showing the places of pickup and approximate times and disseminate this information to the families of enrollees and program personnel.

#### 7.5.10 Inclement Weather

The superintendent shall establish and communicate in written policy to parents and staff concerning transportation procedures during inclement weather.

#### 7.5.11 Travel Time

Enrollees shall not travel on a vehicle on a regularly scheduled route for more than 90 minutes one way on any day or 180 minutes on any day on a regularly scheduled circular route.

#### 7.5.12 Drivers

##### 7.5.12.1 Minimum Qualifications

###### 7.5.12.1.1 School Bus Drivers

The Superintendent shall establish minimum qualifications required of transportation personnel meeting commercial drivers license (CDL) or the Ohio Department of Education (ODE) licensure requirements.

#### 7.5.12.1.2 Alternate Vehicle Drivers Transporting School-Age Children

Employees who use personal, board owned or contracted vehicles other than school buses to transport school-aged children to school or related activities must meet all qualifications per OAC 3301:83-06(F). Only vehicles authorized per OAC 3301:83-19 may be used for the transportation of school-aged children to school or school related activities.

#### 7.5.12.1.3 Alternate Vehicle Drivers Transporting Non-School-Age Individuals

The superintendent shall develop an administrative regulation for the minimum qualifications required for any person who transports individuals but is not required to meet CDL or ODE licensure requirements.

The Superintendent will establish separate safety requirements and procedures for staff-owned personal vehicles use to transport individuals.

#### 7.5.12.1.4 Driver and Monitor Training

Prior to assignment to a vehicle with passengers on board, CCBDD transportation department drivers and monitors shall receive training in accordance with the CCBDD transportation driver/monitor training program. Prior to assignment to a vehicle with passengers on board, contract transportation providers shall receive training in accordance with the requirements outlined in the CCBDD Vendor Provider Contract.

#### 7.5.12.2 Drugs and Alcohol

No employee shall operate a motor vehicle owned, leased or under contract to the CCBDD while under the slightest influence of intoxicants, narcotics, alcohol, amphetamines or any derivative thereof or while having such items in his/her possession or while having the odor of intoxicants on his/her breath. Employees required to operate a motor vehicle that are found by medical test to be under the slightest influence and who refuse to submit to medical tests, shall be subject to immediate discharge.

#### 7.5.12.3 Evidence of Qualifications

The CCBDD will maintain, in the personnel record of each driver, evidence that the driver meets the minimum qualifications required by section 7.5.12 of this policy manual and that the driver's record has been checked annually with the Ohio Department of Highway Safety, Bureau of Motor Vehicles.

#### 7.5.12.4 Essential Information

Vehicle drivers, monitors and substitutes shall be kept fully informed in a written vehicle operator's manual of:

- A. Duties of drivers and monitors,

- B. Emergency procedures,
- C. Laws and regulations under which vehicles are to be operated, and
- D. Other related policies of the CCBDD,

#### 7.5.12.5 Vehicle Operation

Drivers and monitors on the CCBDD vehicles shall adhere to the rules relative to equipment and operation required by CCBDD personnel policies and vehicle operator's manual and by Section 4511.76 of the Ohio Revised Code in the operation of school buses and shall make daily inspection to determine if the bus is in compliance with Ohio Pupil Transportation Regulations.

#### 7.5.13 Dismissal

The superintendent shall cause to be dismissed any bus driver for poor driving and other violations of laws and safety code.

#### 7.5.14 Authorized Riders

Only the enrollees of the CCBDD, their parents and CCBDD staff members are authorized to ride on CCBDD vehicles. Others may ride upon prior approval of the superintendent or designee.

#### 7.5.15 Vehicle Use by Other Organizations

The CCBDD's vehicles and transportation services may, upon authorization of the superintendent, be used by other Cuyahoga County agencies or departments, educational organizations and public or private not-for-profit organizations for people with disabilities and elderly citizens. The cost of such uses is to be reimbursed by the requesting organization. The superintendent shall publish regulations for authorization, scheduling and cost reimbursement for such uses.

#### 7.5.16 Safety Instruction

The CCBDD shall establish and maintain a safety instruction program covering all aspects of rider safety. The CCBDD shall ensure that annual safety instruction is given to all appropriate individuals and/or communicated to parents and caregivers.

#### 7.5.17 Transportation Personnel Manual

The CCBDD shall establish and maintain a personnel manual for transportation personnel that shall include a specific listing of disciplinary actions to be taken related to violations of safety regulations and traffic laws.

### 7.6 Dissemination of Information to Media and General Public

The CCBDD recognizes its responsibility as a public entity to provide information and education to the public through the media regarding persons with developmental disabilities and the programs that serve them.

### 7.6.1 Coordination of Media Contact

The superintendent shall designate an employee to be responsible for coordinating public information and education programs. This person shall maintain a cooperative and positive contact with media representatives through the county.

### 7.6.2 Procedure for Media Contact

Staff wishing to obtain information from or submit information to the media shall contact the General Manager of Public Information and Communication prior to taking any action and shall allow the contact of media to go through the office of the General Manager of Public Information and Communication.

### 7.6.3 Exceptions

The adaptive physical education and recreation coordinator may make routine information such as game statistics available to the media without clearance from the General Manager of Public Information and Communication.

## 7.7 Detection and Prevention of Fraud, Waste and Abuse

As part of its ongoing efforts to detect and prevent fraud, waste and abuse, the CCBDD shall provide information to employees, contractors, and agents about applicable federal and state laws. Further, the CCBDD shall provide information regarding its programs that concern the detection and prevention of fraud, waste and abuse.

Therefore, the CCBDD hereby authorizes the Superintendent or the Superintendent's designee(s) to develop written procedures for the detection and prevention of fraud, waste, and abuse. Such procedures shall include a summary of the following applicable federal and state laws about fraud as well as whistleblower protections:

#### Federal Statutes:

- False Claims Act (FCA), 31U.S.C. §§ 3729-33
- Program Fraud and Civil Remedies Act (PFCRA), 31 U.S.C. §§ 3801-12
- Civil Monetary Penalties Law, 42 U.S.C. §§ 1320a-7a et seq.

#### State Statutes:

- Ohio Revised Code (ORC) § 5111.03 [Medicaid fraud]
- ORC § 2913.40 [Medicaid fraud]
- ORC § 124.341 [whistleblower protections for state employees]
- ORC § 4113 [whistleblower protections for non-state employees]

Consistent with the "whistleblower" protections in federal and state law (see 31 U.S.C. §§ 3729-33, ORC §§ 124.341 and 4113), the CCBDD shall take no adverse action against any employee, contractor, or agent who:

- reports in good faith any concerns about waste, fraud, or abuse; and/or
- lawfully participates in False Claims Act-related litigation.

## Chapter 8

### Health, Safety and Well-Being of Enrollees

#### 8.1 Health and Safety

The CCBDD shall take all necessary steps to ensure the general health and safety of enrollees. When the health and safety of an individual is at risk, the CCBDD will provide necessary supports (e.g. MUI investigation, service coordination and/or other crisis supports) prior to the establishment of eligibility for supports from this Board.

##### 8.1.1 Medical Evaluations

Every child and adult shall be required to have a complete medical examination by a physician or nurse practitioner licensed to practice in Ohio, or any other state, prior to entering school or an adult activity center. Exceptions: individuals transferring from an educational or another county board program where a medical record is on file and is transmitted with other records and those who have filed statements that their religious beliefs preclude medical practices. A physician's statement of approval shall be filed for all persons participating in competitive sports and physical and occupational therapy.

##### 8.1.2 Immunizations

###### 8.1.2.1 Early Childhood and School-Age Services and Supports

The CCBDD shall follow the regulations of the Ohio Department of Health with regard to immunizations. No child shall attend the CCBDD school-age program who has not received the immunizations currently required under the Ohio Revised Code, Sections 3701.13, 3313.671. Children participating in the early intervention and childhood programs shall have received immunizations that meet the current immunization recommendations for their age according to the Ohio Department of Health, the Center for Disease Control and Disease Prevention, and the Advisory Committee on Immunization Practices.

The required and recommended immunization schedule for the current school year shall be listed in the CCBDD Health Services Manual. This list shall be reviewed annually to remain consistent with the current immunization requirements set forth in the Ohio Revised Code as stated above.

Failure to comply with the school-age immunization requirements shall result in suspension in accordance with the Ohio Revised Code. Such instances regarding school-age children shall be reported to the local school district's superintendent.

### 8.1.2.2 Adult Services and Supports

Adults shall submit verification of PPD Tuberculin testing and results dated within one year of the admission date. Adults with a previous reaction to a PPD Tuberculin skin test shall submit verification of a chest X-ray with results dated within one year of the admission date. Adults unable to obtain the required TB testing by the date of admission must be referred to a CCBDD registered nurse. The registered nurse shall complete the assessment for TB signs and symptoms form and the TB risk assessment form. The TB assessment documentation will be placed in the individual's file. Arrangements for TB PPD skin testing or a chest X-ray for previous PPD reactors shall be arranged as soon as possible after admission.

Current adult immunization recommendations from the Advisory Committee on Immunization Practices (ACIP), Center for Disease Control and Disease Prevention, are to be listed in the CCBDD Health Services Manual. Adult immunization is recommended, but is not compulsory unless otherwise stated in the Ohio Revised Code.

Exceptions to the enforcement policy shall be made only in cases where medical contraindication is present in a written statement by a physician or where written certification is present attesting to objection and stating the parent/guardian convictions, including religious convictions. The appropriate exemption form to be completed shall be located in the CCBDD Health Services Manual.

### 8.1.3 School Wellness Program

#### 8.1.3.1 Developing Process and Plan for Implementation

The Superintendent shall appoint at least one staff member to call together a committee made up of parents, students, representatives of the school food authority, CCBDD members, school administrators and the public. This committee will develop and plan the implementation of a process for school wellness that includes these objectives:

1. All activities, including nutrition education and physical activities are designed to promote student wellness;
2. Nutrition guidelines are set for all foods that are available to students in the early childhood centers and schools;
3. Reimbursable school meals will be no less restrictive than regulations and guidelines issued by the U.S. Secretary of Agriculture; and
4. A plan is established for measuring implementation including naming at least one position that will assure compliance.

#### 8.1.3.2 Nutrition Education

Staff of the early childhood and school programs will be trained to integrate nutrition education into the daily curriculum commensurate with the abilities of the children. Information will also be shared with families and the broader community.

#### 8.1.4 Accident and Illness

There shall be provided an outline of emergency procedures to be used in event of an accident or illness requiring medical attention. Such a guide shall be readily available in each principal's and manager's office, made known to all center personnel and circulated each year to every parent/guardian or enrollee.

An emergency treatment form for each pupil must be renewed each year at the beginning of the school year.

An emergency treatment form for each adult must be renewed every three years.

Accidents and injuries shall be reported to parents/guardians or caretakers within 24 hours of occurrence. Such reports shall be kept in the enrollee's file. Major incidents shall be reported to the Major Unusual Incidents Department according to procedures.

#### 8.1.5 Communicable Diseases

A communicable disease is defined as a disease that can be transmitted directly or indirectly from one individual to another such as Acquired Immune Deficiency Syndrome (AIDS), hepatitis and tuberculosis. The CCBDD shall follow guidelines for handling communicable diseases that are consistent with state law and the recommendations of the Center for Disease Control and the Ohio Department of Health.

Employees shall use Standard Precautions when handling blood or other potentially infectious material and shall receive training on an annual basis in Universal Precautions and exposure control. Regular monitoring of protective practices shall occur on at least a quarterly basis.

Each communicable disease shall be treated on an individual basis in accordance with standard recommended procedures for dealing with that illness and with consideration of the individual needs of the individual, his or her welfare and rights including the right of confidentiality and the protection of other individuals.

The determination of whether an enrollee diagnosed with a communicable disease is to be permitted to attend a program or work shall be made by the superintendent or his designee(s) in consultation with the enrollee's treating physician.

Individual confidentiality shall be strictly observed in all cases. The medical records of all enrollees shall remain confidential, except where disclosure is necessary for the administration of this policy or is mandated by law. The number of CCBDD employees aware of the enrollee's condition shall be kept at a minimum and based on a medical need-to-know associated with the provision of medical or nursing services designed to treat the communicable disease.

#### 8.1.6 Prolonged Absence or Hospitalization

An enrollee who has had an extended illness or hospitalization must submit a written permission-to-return form from the physician in order to return to school or the adult activity center.

#### 8.1.7 Medication Administration

The CCBDD shall designate certified, trained DD personnel to administer prescribed medications, and/or perform health related activities and nursing tasks for individuals with developmental disabilities served by CCBDD. DD personnel include those who provide the following services:

1. Through employment with ODODD or CCBDD,
2. Through an entity under contract with ODODD or CCBDD, and/or
3. Through direct employment or being under contract with private entities, including private entities that operate residential facilities.

DD personnel does not include a health care professional acting within the scope of the professional's license or certificate.

In accordance with OAC 5123:2-6-01, health-related activities are:

1. Taking vital signs,
2. Application of clean dressings that do not require health assessment,
3. Basic measurement of bodily intake and output,
4. Oral suctioning,
5. Use of glucometers,
6. External urinary catheter care,
7. Emptying and replacing colostomy bags, and
8. Collection of specimens by non-invasive means.

All other nursing tasks performed by DD personnel must follow Ohio Board of Nursing rule 4723-13.

DD personnel may administer prescribed medications, perform health-related activities or perform tube-feedings pursuant to ORC 5123:2-6-03 and rules adopted by ODODD as part of the specialized services the DD personnel provide to individuals in the following categories:

1. Individuals receiving early intervention, preschool and school age services,
2. Individuals receiving adult services,

3. Individuals receiving family support services,
4. Individuals receiving support services from certified home and community-based services providers, if the services are received in a community living arrangement that includes not more than four individuals,
5. Individuals receiving services not included above that are offered or provided pursuant to Chapter 5123 or Chapter 5126 of the ORC,
6. Individuals residing in a residential facility with five or fewer beds,
7. Individuals residing in a residential facility with at least six but not more than sixteen beds, and
8. Individuals residing in a residential facility with seventeen or more beds who are on a field trip from the facility if it meets the requirements of the rules.

#### 8.1.7.1 Delegated Nursing Requirements

A written request from the individual or the individual's parent, guardian or other person having care or charge of him/her, if a minor, must be received in order for the unlicensed worker to administer prescribed medication or perform other nursing tasks. If prescribed medication is to be administered or a nursing task prescribed by a health care professional is to be performed, a current signed statement from the prescribing health care professional must be received. The statement must contain the following information:

- A. The name and address of the individual;
- B. The name, dosage, route and frequency of the medication to be administered;
- C. The name, frequency and, if appropriate, a description of the task to be performed;
- D. The date the medication or task is to begin and cease;
- E. Indication of any severe adverse reaction that should be reported to the prescribing health care professional;
- F. One or more telephone numbers at which the health care professional can be reached in an emergency, as well as the number of a health care professional who can be contacted if the prescribing health care professional is unavailable;
- G. Other procedures to be followed in an emergency;
- H. Any special instructions for handling, giving or applying medication including sterile conditions and storage; and
- I. Any special instructions for performing the nursing task.

CCBDD will accept faxed orders from a health care professional licensed to prescribe if the following criteria are met:

- A. The health care professional's order as well as the health care professional's signature are legible, and
- B. The original order is on file in either the health care professional's office or the residential setting and there is

documentation of the name of the individual who communicates that the original order is on file in either the health care professional's office or residential setting.

An unlicensed worker may give or apply prescribed medication to an individual served or perform a delegated nursing task only if all of the following conditions have been met:

- A. The unlicensed worker has been trained appropriately and has had a skills assessment completed by a registered nurse according to the Ohio Administrative Code;
- B. The registered nurse assesses the individual who will be receiving the medication or treatment to determine if delegation is appropriate;
- C. The registered nurse completes a statement of delegation;
- D. The unlicensed worker has access to the most current order;
- E. Prescribed medication is received by the unlicensed worker in the container in which the prescribing health care professional or licensed pharmacist dispensed it; and
- F. The unlicensed worker has complied with any other delegated nursing procedures established by the CCBDD.

#### 8.1.7.2 Emergencies

CCBDD recognizes that in emergency situations (an emergency is a life-threatening condition in which death or permanent disability may result within the hour, requiring action within minutes) unlicensed workers may administer medications and/or perform nursing tasks, but only if the following criteria are met:

- A. The medication/task is not considered an intervention that only a nurse can perform in an emergency per the OBN (i.e. the administration of epinephrine per the Epi-pen for anaphylactic shock by an unlicensed worker);
- B. There is a current physician's order on file for the medication/task;
- C. The medication/task has specific parameters so that no nursing judgment is required;
- D. The unlicensed worker has been trained by a licensed nurse for the specific emergency intervention for the medication/task; and
- E. The unlicensed worker notifies the nurse as soon after the emergency intervention as possible.

#### 8.1.8 Absence Excused for Health Reasons

A child or adult enrolled in center-based services and supports may be excused from attendance when the attending physician submits a written statement that the child or adult is unable to attend, that attendance would be detrimental to the person's medical condition, or the level of medical care required can not be provided in a school or adult training center setting. The time frame for the excuse shall be specified in terms of calendar time or change in condition.

Home service shall be provided for school-age children unless the child's condition does not permit such intervention.

#### 8.1.9 Fire and Disaster Drills

The protection of enrollees against hazards while attending a CCBDD or contractual facility shall be the duty of the facility manager and staff of the facility. At the beginning of each attendance year, the facility manager shall distribute to each staff member a plan of fire, civil defense and disaster drills in the building. Drills shall be conducted in compliance with all rules and regulations.

Evacuation charts shall be posted in all areas where enrollees and/or staff congregate.

#### 8.1.10 Incidents that Adversely Affect Health and Safety

The CCBDD shall comply with all requirements outlined in OAC 5123:2-17-02 for managing incidents that adversely affect the health and safety of individuals and implement a continuous quality improvement process to prevent or reduce the risk of harm to individuals.

The CCBDD shall review major unusual incidents (MUIs) and unusual incidents (UIs) on a regular basis to ensure that immediate steps are taken to protect the health and safety of individuals and to determine if actions can be taken to prevent or reduce the recurrence of incidents.

The Superintendent is authorized to establish and revise, as needed, procedures for the implementation of this policy.

#### 8.2 Do Not Resuscitate Orders

The CCBDD, in keeping with its mission, is committed to ensuring that individuals have the right to choose the type of care they wish to receive. Therefore, the CCBDD will acknowledge the individual's right to have a valid Do Not Resuscitate (DNR) order and will comply with the DNR order in accordance with established procedures.

The Superintendent is authorized to establish and revise, as needed, procedures for the implementation of this policy. Furthermore, all applicable staff shall be trained on DNR procedures so established.

## Chapter 9

### Organization and Implementation of Services and Supports

#### 9.1 Age Related Structure

##### 9.1.1 Early Childhood Services and Supports

Early childhood centers and satellite facilities shall serve children age birth through five in home or center-based programs that show evidence of developmental delay. Instructional programs and services shall be provided according to the age and the needs of the child and family and consistent with the rules of the Ohio Department of Developmental Disabilities , the Ohio Department of Health and the Ohio Department of Education.

##### 9.1.2 School-Age Services and Supports

Developmental centers and public school satellite classrooms shall serve students between the ages of 6 and 22 who meet eligibility criteria established by the Ohio Department of Education. Instructional groupings are by age and shall be consistent with rules and regulations of the Ohio Department of Education.

##### 9.1.3 Activity Center Organization

Adult activity centers shall serve people who have developmental disabilities who are at least 22 years of age. In exceptional cases where the person is under the age of 22 and under the jurisdiction of a local school district, he or she can be accepted for CCBDD services only upon the written placement authorization of the local school district. Groupings within the adult program shall be based upon the functional level of the adult and consistent with the rules and regulations of the Ohio Department of Developmental Disabilities .

#### 9.2 Calendar

##### 9.2.1 Fiscal Year

The fiscal year and statistical year shall begin on January 1 and end on December 31 of the same year.

##### 9.2.2 Program Calendar

The developmental center calendar shall be scheduled for a minimum of 178 student attendance days. Additional days beyond the student attendance minimum may be added to the calendar for parent conferences/planning, meetings, staff in-service and record keeping.

##### 9.2.2.1 Days in Session

Early intervention services shall be available on a year round basis for a minimum of 232 days, based on the availability of funds. The CCBDD will work with other agencies to help assure continuity of services for families.

Services and supports to adults shall be in operation at least 232 days, two of which may be used for professional development and up to five of which may be used as calamity days.

#### 9.2.2.2 Opening and Closing Days for Developmental Centers

The superintendent will present to the Board for its adoption, the school age program calendar by June 1<sup>st</sup> of each year.

### 9.3 Hours of Operation

#### 9.3.1 Building Operation

All early childhood centers, developmental centers and adult activity centers shall be opened at least one-half hour before the beginning of classes or programs and shall remain opened at least one-half hour after the conclusion of the day's classes or programs. These time periods are available to accommodate children and trainees if they arrive early or depart late and for the purpose of preparing for the day's activities and securing the building.

#### 9.3.2 Program Day

The official program day for the developmental centers, exclusive of lunch and transportation time, shall consist of not less than five and three-quarter clock hours of special education instruction and related services.

The official program day of the adult activity centers, exclusive of lunch and transportation shall consist of not less than five and one-half clock hours. An eight hour workday shall be implemented whenever possible.

#### 9.3.3 After-Hours Activities

When enrollees remain at a center beyond the regularly scheduled class day for instruction or other related activities such as athletics, special help, special clubs or activities or special assignments, there shall also be proper parent notification.

### 9.4 Residence Requirements

To receive services and supports from the CCBDD, an enrollee shall be a resident of Cuyahoga County. In cases of doubt, the superintendent may require proof of residence. Any exceptions to this policy must be approved by the superintendent.

#### 9.4.1 Site Assignment

Enrollees choosing to receive services and supports at a CCBDD site shall attend the facility serving the attendance boundary containing the residence, unless assigned to another site for program purposes.

#### 9.4.2

A school enrollee who moves into a different center's attendance boundary may be permitted to continue to attend his/her original developmental center for the remainder of the school year, with the approval of the director of School-Age Services and Supports. Adults who move into different center's attendance boundary shall be immediately assigned to the adult activity center serving the new attendance boundary. Exceptions must have the written permission of the general manager of the department.

## 9.5 Identification and Enrollment

### 9.5.1 Identification of Children

The CCBDD shall cooperate with local school districts and other agencies to identify and provide appropriate services for children who have developmental disabilities.

All parents/legal guardians of children ages 3 to 22 who have developmental disabilities who contact the CCBDD for day programs or services, shall be referred to their local school districts for enrollment and services. Written notice containing personally identifiable information shall be transmitted to local school districts only with the written consent of the parents or legal guardian.

Personally identifiable information of children who are not of compulsory school age shall be provided to local school districts only with the written consent of their parents or legal guardian.

In accordance with the CCBDD's belief that all pre-school and school-age children, including the homeless, have a basic right to a free and appropriate public education, the CCBDD will ensure that a child who is homeless will be enrolled in their local school district and that any school placements made by the local school district in a CCBDD program shall be in compliance with the McKinney-Vento Act. Further, the CCBDD shall act in compliance with the McKinney-Vento Act for any homeless pre-school and school-age child currently placed in a CCBDD program by the child's local school district.

### 9.5.2 Eligibility and Assessment for Programs and Services

Eligibility for programs and services shall be based on the presence of a developmental disability as defined by section 5123:2-1-02, (C) of the Ohio Administrative Code.

Children under three years of age are eligible with evidence of:

- A. At least one developmental delay; or
- B. A diagnosed physical or mental condition that has a high probability of resulting in a developmental delay or disability that is based on a written medical report; or
- C. A determination of Part C eligibility in the state of Ohio.

CCBDD will collaborate with community agencies serving children under age three who have difficulty in the areas of social-emotional development. To be eligible for enrollment in the CCBDD Early Intervention Program, the child's delay in the social-emotional domain must coexist with his/her developmental disability.

All eligibility determinations shall be completed by Help Me Grow of Cuyahoga County.

Support Administration will be made available to anyone between the ages of three (3) and twenty-two (22) who are:

1. Enrolled on a HCBS waiver,

2. Specifically request the service, or
3. Are identified as needing the service.

Support Administration will initially be made available to all new applicants ages twenty-two (22) and above for board services. If an individual is found to be ineligible for county board services and supports, the Support Administrator may continue to serve the individual for a reasonable period of time by assisting in locating appropriate services for which the individual is eligible.

Eligibility of individuals ages three and above for CCBDD services and supports will be determined by a certified Support Administrator.

For individuals not enrolled in a DD Home and Community-based Services Waiver, the need for continuing Support Administration services will be routinely evaluated by the Support Administrator and the individual/family. Individuals who do not need continuing Support Administration services but who remain eligible for other Board services may be placed on inactive status after the individual has been given prior written notice and the opportunity to request reconsideration using the complaint resolution process. Individuals or guardians on inactive status may, at any time, request that a Support Administrator be assigned. Upon receiving such request, the individual shall receive Support Administration services.

Enrollment into the adult program does not automatically occur when a student graduates from a CCBDD developmental center. A developmental center graduate's application for enrollment will be considered in the same manner as any other qualified applicant for adult services. Placement in a school-age program shall be reviewed by the principal of the developmental center. Placement in early childhood programs shall be determined by an interdisciplinary placement team convened by the Department of Early Childhood Services and Supports.

Eligibility may be redetermined at any time if a change occurs in the individual's functioning level or new information is obtained relative to the individual's eligibility status. For individuals currently eligible for services, the individual's planning team will, at the time of annual review, substantiate that the individual continues to meet the requirement for having a developmental disability as defined by section 5123:2-1-02, (C) of the Ohio Administrative Code. If there is some question as to the individual's current eligibility status, the eligibility team will be consulted. The eligibility team may recommend a course of action that could include a formal review of eligibility and a determination that the individual either no longer meets the eligibility requirements set out by the rule or remains eligible for services and supports from the Board.

All persons with developmental disabilities who are deemed not eligible for the CCBDD programs and services shall be referred to other appropriate providers who may assist with their service needs. Information on persons found to be not eligible shall be maintained for five years from the date the determination was made.

The eligibility of individuals, who have been found ineligible in the past, may be reviewed again.

Decisions made regarding determination for services and supports may be appealed in accordance with CCBDD Board policy 9.6.

### 9.5.3 Initial Placement

Initial placement of children under the age of three in the early childhood program shall require the following information and documents:

- A. Application for enrollment;
- B. Verification of birth;
- C. Verification of eligibility determination;
- D. Comprehensive assessment, that shall include a health assessment;
- E. Current updated immunization record or exemption or waiver where an immunization is contraindicated; and
- F. Emergency medical form.

Initial placement of pre-school and school-age children shall require the submission of the following documents to the CCBDD by the local school district:

- A. Reports of the multi-factored assessment performed by the local school district that served as the basis for the placement decision;
- B. Individual education plan outlining program goals and services that should be provided for the specific child and the placement recommended to provide needed programs and services, as decided by the school district, parents, and administrative staff of the Department of School-Age Services and Supports or the Department of Early Childhood Services and Supports.
- C. Statement that birth information verification is on file by local school district;
- D. Record of immunizations and report of recent medical examination from the child's physician; and
- E. Emergency medical form.

Staff of the Adult Activities and Community Employment Departments will, in conjunction with the individual requesting services, develop a service delivery strategy for each service goal and support activity for which the department is responsible. The service delivery strategy will be developed and services will begin within thirty (30) days of the date of authorization for services from the individual's Support Administrator. The service delivery strategy will be developed and implemented in accordance with relevant rules promulgated by the ODODD .

In the event that there is no available opening in Adult Services, the adult will be notified and may, with the assistance of CCBDD, explore other options. Should CCBDD services remain the preferred option, placement onto the waiting list shall occur within 30 calendar days from the date that decision is made.

Individuals placed on a waiting list shall be referred to other community services and support providers as appropriate.

#### 9.5.4 Continuation of Placement

Continuation of children under the age of three in the early childhood program shall be determined when the Individual Family Service Plan substantiates that the child and family can best be served by CCBDD program placement and that the placement is the least restrictive placement and that the family wishes to continue the placement. This plan is reviewed every 120 days. Continuation of pre-school and school-age children shall require an annual review of the Individual Education Plan, an assessment of progress towards the specific goals of the Individual Education Plan, a redetermination of placement based upon an updated Individual Education Plan, and official placement authorization from a local school district. The review process shall be a joint effort by the CCBDD and the local school district having authority for placement, which shall agree on the responsibility of the following:

- A. Parents shall be informed in writing at least 15 days in advance of the placement review conference and shall be provided with an opportunity in writing to waive attendance if desired. Every effort shall be made to obtain parental participation. Flexibility of time scheduling and location should be employed in this effort. A written report of placement conferences shall be routinely transmitted to parents within 30 days following the conference, whether or not they elected to attend.
- B. All parents/legal guardians shall be informed in writing in their native language, if English is not functional, of their right to request administrative review of placement decisions and to appeal placement decisions by requesting an impartial hearing. This information shall be presented to parents/legal guardians in writing at the time of initial placement and at the time of continuation review.

The continuation of services and supports for adults shall require an annual review that substantiates the individual's needs can best be served through CCBDD program placement, that CCBDD is the least restrictive placement, and that the individual is attending and participating in the services and supports.

#### 9.5.5 Change of Program Placement for Children

Program placement change shall be defined as a placement in a program operated by the local school district, or a program change within the CCBDD (change from a pre-school to school, change from a developmentally handicapped class to a multi-handicapped class) that alters the restrictiveness of the placement. Classroom change based on vertical grouping or age shall not be defined as a program change.

Any program change shall occur only after written notification to parents/guardians in their native language, if English is not functional, and local school districts, that states that a program change is being considered for

specific reasons and requests a conference, outlines parents right to administrative review, impartial hearing and states that refusal may result in a request by the CCBDD or local school district for an impartial hearing, and provides a space to waive the conference with the explanation that waiver shall mean approval or failure to respond will result in program change 30 days after the date of the scheduled conference. Such written notice shall be sent by certified mail at least 15 workdays prior to the date of the conference. A written description of the program and or service options involved in the decision process shall accompany the notice.

Parents/legal guardians and local school district superintendents shall be provided with a written report of the placement conference.

#### 9.5.6 Waiting List, Service Substitution Lists, and Long-Term Planning Registry

The purpose of this policy is to:

- A. Affirm the CCBDD's commitment to use resources efficiently and effectively;
- B. Provide services in a fair manner and consistent with applicable federal and state statutes and rules;
- C. Provide services in the least restrictive alternative appropriate to individual needs;
- D. Provide parameters for the establishment of waiting lists when resources are not sufficient to serve all eligible persons in a manner appropriate to meet their assessed needs and choices; and
- E. Establish a process of communication between the CCBDD and an individual, the individual's guardian and the individual's family, as applicable, regarding waiting lists, service substitution lists and the long-term planning registry.

Implementation and management of this policy shall be in accordance with applicable state and federal laws including, but not limited to, Chapter 5126 of the Ohio Revised Code.

The Superintendent and his/her designee(s) shall establish procedures to ensure the effective implementation of the waiting list policy.

The right to appeal decisions under this policy is located in section 9.8 of the CCBDD Policy Manual.

##### 9.5.6.1 Establishment of Waiting Lists

The CCBDD shall establish and maintain separate waiting list procedures for use when resources are not sufficient to meet the needs of eligible persons with DD within a particular category of services. The CCBDD shall maintain separate lists for each of the following categories or sub-categories of services, programs or supports provided or arranged by the CCBDD where requests exceed the availability of resources for that particular category or sub-category:

- A. Early childhood services and supports;

- B. Education services and supports for pre-school and school-age children;
- C. Services and Supports for Adults;
- D. Community/Residential services and supports provided or arranged by CCBDD;
- E. Transportation services;
- F. Family support services provided under 5126.11 of the ORC;
- G. Service and Support Administration; and
- H. Other services as appropriate to meet individualized needs.

The CCBDD may establish sub-categories of service categories as identified above to facilitate the provision of services to eligible persons based on assessed need and individual preferences.

The CCBDD may establish priorities that give preference to a class of individuals on waiting or service substitution lists who have a demonstrated need and have been defined as a priority population for service development by the CCBDD or would make additional resources available to other individuals on waiting or service substitution lists who are next in line to be served.

#### 9.5.7 Parent Surrogates

When the parents of a child are unknown or are unavailable or when the child is a ward of the state or when the child is without a formally declared legal guardian, the CCBDD shall make inquiry to the adult in charge of the child's place of residence as well as the parents or legal guardians at the last known address.

If these efforts find that the child is without parent or legal guardian or if it is otherwise known that they are unavailable, the CCBDD is required to notify the superintendent of the local school district that it is necessary to name a parent surrogate due to the unavailability of a parent or guardian.

The parent surrogate appointed by the local school district shall have the same rights as the parent/legal guardian.

### 9.6 Evaluation/Assessment

All evaluations shall be performed by professional personnel whose qualifications meet all required standards of the Ohio Department of Developmental Disabilities .

#### 9.6.1 Multi-Factored Evaluation

Every child under the age of three to be admitted to the early childhood program shall have a developmental evaluation completed by Help Me Grow of Cuyahoga County. Communication shall be in the native language when English is not functional. The evaluation shall include an assessment in each of the following areas:

- A. Physical development (including vision, hearing, nutrition);
- B. Cognitive development;
- C. Communication;

- D. Social-emotional development; and
- E. Adaptive development.

Every pre-school age child to be admitted to the early childhood program shall have a multi-factored and multi-disciplinary evaluation completed by qualified local school district personnel. Communication shall be in the native language when English is not functional. The multi-factored evaluation shall be conducted through the use of:

- A. A structured interview with persons knowledgeable about the child's functioning including the parent or primary caregiver;
- B. A structured observation over multiple settings and activities;
- C. Standardized, norm-referenced tests; and
- D. Criterion-referenced/curriculum based assessment.

The multi-factored evaluation shall include the following:

- A. Assessments in adaptive behavior; background information, including developmental; family, medical and educational histories, when appropriate; cognitive ability; communication skills; pre-academic skills; sensorimotor functioning; social-emotional/behavioral functioning; and vision;
- B. A physical examination completed by a licensed doctor of medicine or doctor of osteopathy in cases where the disability is primarily the result of a congenital or acquired physical disability;
- C. A visual examination conducted by an eye care specialist in cases where the disability is primarily the result of visual impairment; and
- D. An audiological examination completed by a certified or licensed audiologist in cases where the disability is primarily the result of a hearing impairment.

Every child to be admitted to a school-age program must have a multi-factored evaluation. This requirement shall be submitted in writing in the native language, if English is not functional, to parents by the local school district along with the written program descriptions. The evaluation shall include:

- A. The multi-factored evaluation performed by appropriately qualified local school district personnel;
- B. A report of recent therapies and services;
- C. Reports of special therapies and services;
- D. A case history obtained from parents and other sources; and
- E. An assessment of social, emotional, vocational, adaptive behavior, medical and intellectual factors.

The Departments of Adult Activity and Community Employment, in conjunction with the individual, will develop a service delivery strategy for each service goal and support activity for which the department is responsible. The service delivery strategies will be based upon relevant assessment information. The service delivery strategies will be developed and implemented in accordance with relevant rules promulgated by ODODD .

## 9.6.2 Special Purpose Evaluations or Multi-Factored Re-Evaluations

### 9.6.2.1 Pre-School and School-Age Children

Any evaluation not a part of ongoing education services routinely provided to all children in a given program (such as language assessment, academic achievement, motor skill assessment, etc.) requires parental consent prior to performance.

A written request form shall be submitted to the parent/legal guardian prior to evaluation. A space shall be provided for refusal along with the statements that refusal can be appealed by the CCBDD by requesting an independent hearing and that failure to respond within thirty (30) days shall permit the evaluation to proceed. Parents shall be informed of:

- A. The reason for the request to evaluate, the precipitating problem or situation;
- B. The name and position of the person who requested the evaluation;
- C. The name and position of the appropriately qualified professional to perform the evaluation and to communicate results.
- D. The nature of the evaluation, content and technique, advantages and limitations;
- E. Possible outcomes as a result of the evaluations (i.e. special education or special service options);
- F. The right to gain access to evaluation reports;
- G. The right to parental involvement in decision making process;
- H. The right of parents to obtain independent evaluation at their own expense; and
- I. The right to have knowledge before any changes in status or placement are made.

All reports of psychological/educational evaluations shall be given to parents upon request. Other materials shall be available in the student file and may be copied at parental expense. Parents may request to examine their child's school file in its entirety.

The release of evaluation reports to agencies other than the local school district can be made upon the receipt of a signed release of information form. Parents may have reports of independent evaluations inserted in their child's file.

Parents shall be routinely asked whether they wish to insert reports from other agencies or professionals in the school record. Information shall also be routinely elicited from parents during the interview involved in preparing a case history for each child. Parents may insert comments about reports

or other materials and may request expungement of materials. Such requests are subject to administrative review and impartial hearing provisions.

Multi-factored re-evaluations required at least every three years by the Ohio Department of Education standards, unless waived by an agreement between the parent and the local school district, shall be performed by the local school districts.

#### 9.6.2.2 Adults

The performance of special evaluations for adults requires the individual's or guardian's consent. All reports of psychological evaluations shall be given to enrollee's, guardians, and parent advocates with enrollee consent, upon request. Other materials may be copied at individual/guardian/parent-advocate expense.

Pertinent evaluation and service reports from other agencies and professionals may be inserted into the adult service record upon the request of the enrollee, guardian or parent-advocate.

### 9.7 Service Plans

An individual service plan shall be prepared periodically as described for each enrollee.

#### 9.7.1 Individual Education Plan

An Individual Education Plan (IEP) shall be prepared for each student between three and twenty-two years of age prior to initial placement into a CCBDD program. The IEP shall be completed by the local school district making the placement or jointly by the local school district and the CCBDD.

All children enrolled in a CCBDD early childhood or school age program shall have an IEP that will be renewed at least annually.

IEPs shall conform to accepted professional standards with respect to the presence of assessment data, goals, strategies, services and time frames for implementation and evaluation review. A single, comprehensive IEP shall be developed for each child and shall be the basis for instructional plans.

Parents shall participate in the formulation and review of IEPs through scheduled conferences with the CCBDD and school district staff and shall receive written copies of such plans. Written progress reports shall be sent to parents in January/February and May/June of each school year. Participants in the IEP review conference shall include the parent, guardian or parent surrogate, the child's teacher, a representative of the local school district, other individuals at the discretion of the parent or agency and the child, when appropriate.

### 9.7.2 Individual Service Plan

The assigned Support Administrator will develop an ISP for each individual not receiving early intervention or educational services. If the ISP includes HCBS waiver services or Medicaid case management services, those services will be subject to approval by ODODD and ODJFS. The ISP process will reflect all relevant rules as promulgated by ODODD and ODJFS.

All rights and responsibilities of the adult shall conform to guardianship status and identified expectations and goals.

Parents shall be viewed as advocates for the adult enrollee and shall be invited to participate in individual plan meetings unless otherwise requested by the adult. Adults may invite any other person(s) as desired to participate in IP conferences (e.g., an advocate or friend). Decision-making authority shall depend on the competence level of the adult and his/her legal guardianship status.

### 9.7.3 Individual Family Service Plan

An Individual Family Service Plan (IFSP) shall be developed together with the Service Coordinator, the family and other service providers annually and reviewed every 120 days for each child under the age of three enrolled in Early Childhood services and supports. The IFSP shall include an assessment of the child's present level of functioning; a statement of the family's strengths and needs related to enhancing the development of the child; the major outcomes expected to be achieved for the child and family; the criteria, procedures and timelines used to determine progress toward achieving the outcomes; and the specific services to be provided including the frequency, intensity, location and method of service delivery.

## 9.8 Process for Administrative Resolution of Complaints

All CCBDD enrollees and applicants for CCBDD services, parents of minors, guardians or authorized representative(s) of the individual have the right to challenge or appeal any decision involving the determination of eligibility; arranging of appropriate services; or the denial, reduction or termination of any services by the CCBDD. For purposes of this policy, arranging for appropriate services means enrollment, evaluation, transfer from or within a major program or service and prioritization of services. In addition, individuals, parents of minors, guardians, or authorized representatives of the individual may file a complaint if they believe the rights of the individual have been violated. Only issues under the control of CCBDD are appealable to the county board.

The right to administrative resolution of complaints regarding placement decisions for enrollees placed by a local education agency into CCBDD services and supports shall be provided according to the Operating Standards for Ohio's Schools Serving Children with Disabilities promulgated by the Ohio Department of Education.

Administrative resolution of complaints for enrollees under age three shall be provided according to the Ohio Department of Health Procedural Safeguards Policy.

Due process for HCBS waiver services or Medicaid case management services shall be provided according to rules adopted by ODJFS. An individual and the county board may at the same time also attempt to settle concerns through the complaint resolution process adopted by this board though this is not required.

Complaints involving the administration of prescribed medication, performance of health-related activities and performance of tube feedings by DD personnel shall follow the process established under OAC § 5123:2-6-07.

Appeals of decisions regarding Supported Living services shall follow the process established under ORC § 5126.45 (B). If the complaint is not resolved through that process, the individual may then use the process developed under OAC § 5123:2-1-12.

If an individual/authorized representative has a complaint regarding services or programs provided by a residential facility, the complaint should be filed in compliance with OAC § 5123:2-3-20.

County board staff members will assist individuals and their authorized representatives to follow the relevant due process.

Administrative resolution of complaints for all other applicants and enrollees of the CCBDD shall be provided in accordance with the rules for County Boards of Developmental Disabilities promulgated by the Ohio Department of Developmental Disabilities . Due process rights provided under these rules are in addition to any other rights the individuals or the parent of a minor or guardian may have pursuant to the Ohio Revised Code or other applicable state or federal law.

For applicants for CCBDD services and individuals enrolled in a program or receiving services in accordance with chapter 5126 of the Ohio Revised Code, the following administrative resolution of complaints process shall be followed:

- A. For any decision or action subject to appeal, the superintendent or the superintendent's designee shall provide written notice of the appeal rights to the individual or parents of a minor or guardian in terms the individual can understand at least 10 days before the action is taken whenever possible. The written notification shall include:
  1. A detailed description of the proposed action;
  2. A clear statement of the reasons for the proposed action (or refusal to initiate action), including the specifications of any evaluative instruments or reports upon which the action or refusal to initiate action is proposed;
  3. A statement that the individual, the parent or minor, or guardian has the right to appeal the decision or action;
  4. A copy of the written due process policy and grievance procedure.
- B. Any appeal filed shall not abrogate the rights of the individual to receive services from the CCBDD. If an enrollee, parent of a minor, or guardian is appealing a termination or reduction of services or a change in services, current services shall continue until a final resolution to the appeal is achieved.

- C. An individual who wishes to appeal may be assisted by an advocate who may speak on behalf of the individual at the individual's request. A representative of the CCBDD shall assist the individual with all due process rights and procedures.
- D. Confidentiality concerning the identities of individuals, complainant witnesses and any other parties involved who provided information shall be maintained at all times unless the individual specifically authorizes the release of information.

The superintendent is authorized to develop procedures compliant with this policy and any relevant federal and state statutes and/or rules. The procedures may include an informal process that may be utilized by the individual filing an appeal prior to or in place of formal due process procedures.

Enrollees, parents of minors or guardians and residential services/supports providers shall be notified of the grievance procedure and due process policy on an annual basis.

#### 9.9 Non-Attendance

All extended absences (10 days or more) from site based services shall be documented and reviewed by staff. Calls shall be made to the individual, parents/guardian, or caregiver to ascertain the reason for absence and determine when the individual will return.

Families will be referred to community resources if material help is necessary, and staff will intervene if behavior problems prevent attendance.

Continued unexcused absence of children enrolled in the preschool or school age programs shall be reported to the local school districts for action for school truancy or transfer to home-based service as appropriate.

Continued unexcused absence of children receiving early intervention services shall require a review of the IFSP and attendance agreement and may result in a reduction or discontinuation of services.

Continued unexcused absence for adults shall result in a review of the Individual Plan. If counseling and efforts with the family do not result in the resumption of regular attendance, an agreement will be reached that the adult does not wish to be enrolled in the program.

If a staff member is concerned that an extended absence is detrimental to the health, safety or well being of an individual or may be a result or sign of neglect, the staff member shall report this to the MUI Department for review. If management staff of the MUI department determines that the incident does not meet the criteria of abuse, neglect or an MUI, the concern will be reported to the Chief Clinical Officer in order that assistance may be given to staff to address the concerns.

The Superintendent/designee may develop procedures to respond to continued or frequent cancelled appointments for individuals receiving non-site based services.

#### 9.10 Behavior Supports

The CCBDD shall formulate and follow procedures for the use of aversive and restrictive techniques that conform to procedural requirements of the Ohio Department of Developmental Disabilities (ODODD ) rules. This includes a specification of low risk strategies that may be used without formal approval by the required review committees, as well as the stipulation of a hierarchy of aversive interventions.

An appropriately constituted behavior supports committee shall review and approve or reject the use of all monitored procedures requiring oversight. For purposes of this policy, monitored procedures are defined as those techniques classified as aversive or restrictive in the ODODD rules and the CCBDD Behavior Supports Procedures manual. The behavior support committees shall be comprised of persons knowledgeable in behavior support procedures, including administrators and direct service providers.

A human rights committee shall review and approve or reject all behavior support plans using aversive and restrictive procedures to ensure that the rights of individuals are not violated.

In the case of a person living in an ICF/MR residential facility, the behavior support committee and the human rights committee that reviews the plan may be either those formed by the CCBDD or those formed by the provider of ICF/MR residential supports. In this situation, representatives of the CCBDD and the ICF/MR residential provider shall be involved.

##### 9.10.1 Crisis

The CCBDD recognizes that, on occasion, an emergency arises to necessitate crisis management to protect an individual or others from injury and to prevent property damage.

##### 9.10.2 Suspension

All due process procedures governing the suspension of handicapped school children shall be followed in accordance with the rules of the Ohio Department of Education, the policy and procedures of the Federal Office of Special Education Programs, and any applicable court decisions.

Non-crisis use of suspension for adult enrollees may be part of a behavior support plan to instill appropriate conduct. A suspension of services may occur in order to put in place a support plan to protect the health and safety of the individual, other individuals served and staff members.

#### 9.11 Weapons

Weapons, defined as firearms, knives meeting the legal definition of a weapon, clubs, chains, or any other implement intended for use as a weapon shall not be brought on to the premises of any site or vehicle operated by the CCBDD. Violations shall result in the confiscation of the weapon, suspension and calling the police for possible prosecution on concealed weapons or illegal firearms charges, as appropriate.

### 9.12 Experimental Programs

Any program not a part of the approved curriculum of the developmental centers, adult activity centers, early childhood centers or usual supportive or home-based services shall be termed “experimental program” and must be authorized by the superintendent. A Human Subjects Research Review Committee, appointed by the superintendent, shall review and recommend to the superintendent proposed experimental programs and shall oversee all authorized experimental programs.

A written request for project approval must be submitted to the CCBDD. Approval shall be contingent upon the congruence of the proposal goals with those of the CCBDD, relevance to the services delivered by the CCBDD, probable advancement of knowledge about developmental disabilities and related services, face validity and lack of redundancy. Only experimental programs proposed and sponsored by not-for-profit external entities shall be considered for approval.

Experimental programs that may endanger the safety or health of enrollees or jeopardize their emotional well-being, dignity or self-esteem are prohibited.

Standard professional ethics for the conduct of such experimental programs shall be enforced, including the requirements of informed consent for participants, defined as enrollees, parents/guardians or parent surrogates. All CCBDD policies and procedures governing confidentiality and due process shall be strictly observed.

Semi-annual progress reports shall be submitted to the superintendent and the human subjects research review committee throughout the course of the experimental program. A written summary report shall be submitted to the superintendent and the human subjects research review committee upon the conclusion of any authorized experimental program describing the procedures, results, conclusions and implications of the program.

All persons conducting an authorized experimental program are subject to the administrative authority of the superintendent and designated administrators during their presence in any facility operated by the CCBDD or when engaged with enrollees of the CCBDD and their parents or guardians.

The CCBDD shall refrain from involvement in any medical research not subject to professional (medical) review and monitoring.

### 9.13 Non-Discrimination Policy for Client Services

It is the policy of the CCBDD to provide benefits, services and opportunities to all eligible enrollees and/or residents of CCBDD operated group homes equally, without regard to race, color, national origin, religion, age, sex or handicap, in accordance with the determined needs of the individual.

There shall be no distinction made in determining eligibility for services or in the manner of providing services because of race, color, national origin, religion, age, sex or handicap.

All persons and organizations having occasion to refer or recommend individuals to the CCBDD are advised to do so without regard to the individual's race, color, national origin, religion, age, sex or handicap.

#### 9.13.1 Accessibility of Programs and Facilities

No qualified enrollee and/or resident of a CCBDD operated group home shall be denied access to, participation in, or benefits from any appropriate treatment, program or activity because of race, color, national origin, religion, age sex or handicap, or due to a failure on the part of the CCBDD to provide equal opportunities or accessible facilities.

#### 9.13.2 Discrimination Complaints

Any qualified enrollee and/or resident of a CCBDD operated group home who believes that he/she has been the subject of discrimination because of his/her race, color, national origin, religion, age, sex or handicap has the right to file a discrimination complaint and to have the complaint heard by the appropriate authorities.

Parents, guardians, or advocates may act on behalf of the enrollee/resident and may assist the enrollee/resident in seeking resolution of the complaint. The CCBDD will inform the individual making the complaint of his/her rights and assist in the referral of the complaint to an appropriate state or federal agency if the individual so wishes.

The resolution of enrollee/resident complaints within the CCBDD shall provide for a period of counseling or negotiation between the CCBDD and the individual making the complaint in an attempt to resolve the complaint prior to any formal proceeding. Guidelines for hearing complaints shall be provided by the CCBDD annually. Copies of these guidelines shall be available upon request.

Individuals with disabilities filing complaints shall be provided such aids as are necessary to offer an equal opportunity to participate in the complaint process including, but not limited to, holding meetings in an accessible place and providing interpreters for the hearing impaired at no cost to the individual with a disability.

#### 9.14 Enrollee Volunteers

The CCBDD believes that volunteer work can be a positive and beneficial experience for persons with developmental disabilities and the CCBDD will assist those enrollees who indicate an interest in a volunteer work experience.

A CCBDD enrollee who indicates a personal interest in volunteering in any capacity for the CCBDD shall have their volunteer assignment included in their individual plan. The individual plan shall include goals and anticipated outcomes of the volunteer assignment including the development of skills useful for volunteering in the community and specific plans and time frames for moving the enrollee into a volunteer work experience in the community as soon as possible.

All CCBDD enrollees who serve as volunteers with the CCBDD shall do so only after they have been formally accepted into the CCBDD's volunteer program as outlined in CCBDD Policy 4.17. No CCBDD enrollee shall volunteer within his or her own daily work group,

#### 9.15 Use of Medicaid Funding for CCBDD Supports

The CCBDD will make every effort to maximize its use of federal Medicaid dollars via enrollment of individuals on Medicaid Home and Community-Based Services (HCBS) waivers. The intent of this policy is to provide services to as many individuals as possible. The Board's local levy revenue shall be the source of local Medicaid match and the payer of last resort for all services.

This policy does not apply to individuals seeking placement in an ICF/MR residential facility.

Individuals receiving or in need of services shall apply for an appropriate Medicaid waiver, administered by the Board, at the time that a slot becomes available. CCBDD staff will assist the individual with the completion of the application for the Medicaid HCBS waiver in a timely manner. Individuals are required to take all actions necessary to maintain eligibility for the Medicaid HCBS waiver once enrolled. The Board reserves the right not to utilize Medicaid HCBS waiver slots for certain individuals based on living arrangements or other circumstances.

No individual shall be offered a waiver slot unless the Superintendent (or designee) determines that the individual's health and safety can be adequately protected within the funding available.

Any action taken by CCBDD staff in the implementation of this policy shall be subject to appeal by the individual according to established CCBDD policy, 9.8.

##### 9.15.1 Free Choice of Provider

The CCBDD recognizes and supports the right of individuals to choose any qualified and willing provider of home and community-based services. Individuals have the right to choose any qualified provider at the time of an individual's enrollment in a home and community-based services program, annually at the time of re-determination, and at any other time the individual/guardian expresses an interest in or makes a request to choose a new, different, or additional provider.

The Superintendent is authorized to establish procedures, in accordance with state and federal statutes, for the effective implementation of this policy.

#### 9.16 Payment of Services for Consumers Enrolled on the Ohio Department of Jobs and Family Services-administered Home Care Waiver

The CCBDD shall not fund an Ohio Home Care Waiver service, or an extension of an Ohio Home Care Waiver service, that is provided to a CCBDD eligible consumer enrolled on the Ohio Home Care Waiver. The CCBDD shall review requests to fund services that are not covered by the waiver, or any other funding stream, when written

documentation has been provided that indicates that all other funding streams have denied the request. It is the responsibility of the consumer or the consumer's family to obtain all documentation of such denials and forward it to the CCBDD for consideration of funding.

When CCBDD currently is funding waiver services or an extension of a waiver service, such services may be terminated with due process on a case by case basis.

The superintendent shall develop criteria to determine when a service or an extension of service currently funded by the CCBDD shall be continued.

#### 9.16.1 Payment of Services for Consumers of State Plan Home Health Care Services or State Plan Private Duty Nursing Services

The CCBDD shall not fund a State Plan Home Health Care service including Home Health Nursing, Home Health Aide, and Skilled Therapies (OT, ST, PT), or State Plan Private Duty Nursing, to a CCBDD consumer eligible for such State Plan services. The CCBDD shall review requests to fund services that are not covered by the State Plan Home Health Care or State Plan Private Duty Nursing, or any other funding stream, when written documentation has been provided that indicates that all other funding streams have denied the request. It is the responsibility of the consumer or the consumer's family to obtain all documentation of such denials and forward it to the CCBDD for consideration of funding.

The superintendent shall develop criteria when a service or an extension of service currently funded by the CCBDD shall be continued.

#### 9.17 Payment of Services for Consumers Enrolled on the Ohio Department of Jobs and Family Services Administered Transitions Waiver

When CCBDD currently is funding a waiver service or an extension of a waiver service for CCBDD eligible consumers enrolled on the Transitions Waiver, continuation of the funding shall be determined on a case-by-case basis.

The superintendent shall develop criteria to determine when a service or an extension of waiver services shall be funded by the CCBDD.

#### 9.18 Fees for Services to Eligible Individuals

The CCBDD will adopt a rate structure for persons who are eligible for services from the CCBDD.

##### 9.18.1 Fees from Third Party Payers for Services Provided by the CCBDD

Except as stated in these policies, the CCBDD will make reasonable efforts to identify third party payers who may be available to provide payment for services provided to individuals by the CCBDD and to collect payment from such third party payers in accordance with the rate structure.

#### 9.18.2 Rate Structure

The rate structure shall be used for billing third party payers that provide coverage to individuals for families receiving services from the CCBDD.

#### 9.18.3 Determination of Available Third Party Payers

Determinations of third party payers that may be available for coverage of services provided by the CCBDD shall be made at the time of initial enrollment and repeated at least once per year thereafter at the time of the ISP team meeting. All individuals or their families shall be instructed to notify the CCBDD of any change in such third party payers.

#### 9.18.4 Reasonable Efforts to Seek Reimbursement

The CCBDD will be deemed to have made reasonable efforts to seek reimbursement if the CCBDD submits claims to third party payers identified as available to the individual in accordance with procedures adopted by such payers. If the claim is denied, an appeal is not required if the CCBDD determines that there is no reasonable likelihood of success if an appeal were filed.

#### 9.18.5 Rules by ODODD

These policies are subject to rules promulgated by ODODD. In the event that ODODD adopts rules and any part of this policy is inconsistent with such rules, the provisions of such rules shall apply.

## Chapter 10 Privacy and Confidentiality

### 10.1 Definitions

#### 10.1.1 Applicable Requirements

“Applicable requirements” means applicable federal and Ohio law and the contracts between the CCBDD and other persons or entities that conform to federal and Ohio Law.

#### 10.1.2 Authorization

“Authorization” allows use/disclosure of PHI (Protected Health Information), is written in specific terms, and must specify termination date, event or condition.

#### 10.1.3 Business Associate (BA)

“Business Associate (BA)” means a person or entity who, on behalf of the Covered Entity (CE), and other than in the capacity of a workforce member: performs or assists in the performance of a function or activity that involves the use or disclosure of PHI; or provides legal, actuarial, accounting, consulting, data aggregation, management, administrative, accreditation, or financial services.

#### 10.1.4 Consent

“Consent” allows a provider to use/disclose PHI only for treatment, payment and health care operations, is written in general terms; references the CE’s Notice of Privacy Practices/Privacy Notice and has no specific termination.

#### 10.1.5 Covered Entity

“Covered entity (CE)” means a health plan, a health care clearinghouse or a health care provider who transmits any health information in electronic form in connection with a transaction covered by HIPAA privacy rules.

#### 10.1.6 Directory Information

“Directory Information” means information contained in a record of an individual that would not generally be considered harmful or an invasion of privacy if disclosed. It includes but is not limited to, the individual’s name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (e.g. undergraduate or graduate; full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended.

#### 10.1.7 Disclosure

“Disclosure” means the release, transfer, provision of, access to, or divulging in any other manner of information outside the entity holding the information.

#### 10.1.8 Eligible Student

“Eligible Student” means a student who has reached 18 years of age or is attending an institution of postsecondary education.

#### 10.1.9 FERPA

“FERPA” means the Family Education Rights and Privacy Act, as amended, enacted as section 444 of the General Education Provisions Act.

#### 10.1.10 HCBS

“HCBS” means Medicaid-funded home and community-based services waiver program available to individuals with DD granted to ODJFS by CMS as permitted in §1915c of the Social Security Act, with day-to-day administration performed by ODODD .

#### 10.1.11 Health Care Clearinghouse

A “Health Care Clearinghouse” is a public or private entity, including a billing service, community health management information system or community health information system that does either of the following functions:

- a) Processes or facilitates the processing of health information received from another entity in a nonstandard format or containing nonstandard data content into standard data elements or a standard transaction.
- b) Receives a standard transaction from another entity and processes or facilitates the processing of health information into nonstandard format or nonstandard data content for the receiving entity.

#### 10.1.12 Health Oversight Agency

“Health oversight agency” means an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is authorized by law to oversee the health care system (whether public or private) or government programs in which health information is necessary to determine eligibility or compliance, or to enforce civil rights laws for which health information is relevant.

#### 10.1.13 Health Plan

“Health plan” means an individual or group plan that provides, or pays the cost of medical care. Health plan includes the following, singly or in combination:

- a) The Medicaid program under title XIX of the Act, 42 U.S.C. § 1396, et seq.
- b) Any other individual or group plan, or combination of individual or group plans, that provides or pays for the cost of medical care.

#### 10.1.14 HIPAA

“HIPAA” means the Health Insurance Portability and Accountability Act of 1996, codified in 42 USC §§ 1320 - 1320d-8.

#### 10.1.15 ICF/MR

An “ICF/MR” is an intermediate care facility for persons with developmental disabilities, certified to provide services to individuals with DD or a related condition in accordance with 42 CFR part 483, subpart I, and administered in accordance with OAC Chapter 5101:3-3.

#### 10.1.16 ISP

“ISP” means the Individual Service Plan which is a document developed by the ISP team, containing written descriptions of the services and activities to be provided to an individual, which shall conform to the applicable requirements, including, but not limited to OAC 5123:2-3-17 and 5123:2-12-03.

#### 10.1.17 MOU

“MOU” means a Memorandum of Understanding between governmental entities that incorporates elements of a business associate contract in accordance with HIPAA rules.

#### 10.1.18 Parent

“Parent” means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

#### 10.1.19 Personal Representative

“Personal Representative” means a person who has authority under applicable law to make decisions related to health care on behalf of an adult or an emancipated minor, or the parent, guardian, or other person acting in loco parentis who is authorized under law to make health care decisions on behalf of an unemancipated minor, except where the minor is authorized by law to consent, on his/her own or via court approval, to a health care service, or where the parent, guardian or person acting in loco parentis has assented to an agreement of confidentiality between the CCBDD and the minor.

#### 10.1.20 Personally Identifiable information

“Personally Identifiable Information” includes, but is not limited to:

- a) The student’s name;
- b) The name of the student’s parent or other family member;
- c) A personal identifier, such as the student’s social security number or student number;
- d) A list of personal characteristics that would make the student’s identity easily traceable; or
- e) Other information that would make the student’s identity easily traceable.

#### 10.1.21 PHI

“PHI” (Protected Health Information) means individually identifiable information relating to the past, present or future physical or mental health or condition of an individual, provision of health care to an individual, or the past, present or future payment for health care provided to an individual.

#### 10.1.22 Provider

“Provider” means a person or entity that is licensed or certified to provide services, including but not limited to health care services, to persons with DD, in accordance with applicable requirements. A Covered Provider is a Health Care Provider who transmits any health information in electronic form.

#### 10.1.23 Public Health Authority

“Public health authority” means a governmental agency or authority, or a person or entity acting under a grant of authority from or a contract with such public agency, including the employees or agents of the public agency, its contractors and those to whom it has granted authority, that is responsible for public health matters as part of its official mandate.

#### 10.1.24 Records

FERPA defines “Record” as any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audiotape, film, microfilm and microfiche.

FERPA defines “Education Records” as those records that are:

- a) Directly related to a student, and
- b) Maintained by an educational agency or institution or by a party acting for the agency or the institution

HIPAA defines “record” as any item, collection, or grouping of information that includes protected health information and is maintained, collected, used, or disseminated by or for a covered entity.

HIPAA defines “Designated record set” as a group of records maintained by or for a covered entity that is:

- a) The medical records and billing records about individuals maintained by or for a covered health care provider;
- b) The enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for a health plan; or
- c) Used, in whole or in part, by or for the covered entity to make decisions about individuals.

#### 10.1.25 Student

“Student” means any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains education records.

#### 10.1.26 TCM

“TCM” or Targeted Case Management means an Ohio State Plan Medicaid service that provides case management, including service coordination, services to eligible individuals with DD in accordance with OAC Chapter 5123.

#### 10.1.27 TPO

“TPO” means treatment, payment or health care operations under HIPAA rules.

#### 10.1.28 Use

“Use” means, with respect to individually identifiable health information, the sharing, employment, application, utilization, examination, or analysis of such information within an entity that maintains such information.

#### 10.1.29 Workforce Member

“Workforce Member” means employees, volunteers, trainees, and other persons whose conduct, in the performance of work for the DD Board, is under the direct control of the DD Board, whether or not they are paid by the DD Board.

### 10.2 General Policy

The CCBDD shall conform to all requirements for privacy and confidentiality set forth in HIPAA, FERPA, the laws of Ohio, the rules and regulations of ODE and ODODD and other applicable law. The CCBDD shall not use or disclose PHI except in accordance with applicable requirements.

This policy shall apply whether the CCBDD is acting as a covered health care provider or a Health Plan under HIPAA. If the CCBDD is acting in more than one capacity, the CCBDD shall be subject to the requirements applicable to that function and shall use or disclose PHI only for purposes related to the function being performed.

The CCBDD shall review policies and procedures regarding client records and confidentiality annually. The CCBDD shall notify staff, enrollees and/or the parents of a minor or guardian, and residential/supports providers about policies and procedures concerning client records and confidentiality, including information about persons authorized to examine individual files.

#### 10.2.1 Individual Records

For every enrollee a manual cumulative case record and an electronic record shall be maintained from his/her entrance into a CCBDD program until his/her placement outside the program. Such records pertaining to the individual may be used only for the benefit, promotion or welfare of the individual. All information shall be treated as confidential and shall be directly accessible only to the professional staff pursuant to stipulation of this policy. The Superintendent and administrative staff shall provide for the maintenance of the manual cumulative record and the electronic record. Record content shall be as mandated by appropriate statute, standards and rules.

All manual cumulative client records shall be maintained in locked, metal storage cabinets. A list of authorized persons who may examine such records shall be posted on each storage unit and log records shall be maintained to record access to and examination of individual client records.

#### 10.2.2 Availability of Client Records for Examination

Individuals, guardians and individual's families, as applicable, shall routinely be given copies of conference reports and progress reports. Psychological evaluation reports may be given upon request. Official records for school-age children shall be made available for parents to examine during regular business hours upon their

request. Official records of adults may be examined by the individual, their guardians, or authorized advocates during regular business hours, upon request. Material other than routinely given to parents/guardians and individuals not held in guardianship shall be copied and given upon payment of the cost of copying. Any written information that contains the name of another individual shall be subject to restriction to protect the confidentiality of that party.

Official Records include:

- A. Early Intervention/Preschool/Supportive Home Services
- B. School Age
- C. Services for Adults
- D. Support Administration
- E. Waiver Services

The superintendent/designee shall publicize the types and locations of official records and shall advise individual/guardians/parents as to whom they must contact to access official records.

Individuals/Parents/guardians shall be notified in writing and orally and in their native language, if English is not functional, of their right to all data used in making educational/programmatic decisions.

Authorization information shall be available for public inspection. Log records shall be maintained to record inspections of enrollee records.

Standards from FERPA Specific to Pre-School and School Age Programs:

The CCBDD shall give full rights under FERPA to either parent, unless the board has been provided with evidence that there is a court order or legally binding document relating to such matters as divorce, separation or custody that specifically revokes these rights.

When a student becomes an eligible student (reaches the age of eighteen and is not held in guardianship), the rights accorded to, and consent required of, parents under FERPA shall transfer from the parents to the student.

The CCBDD shall comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request. The CCBDD shall respond to reasonable requests for explanations and interpretations of the records.

If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the board shall:

- a) Provide the parent or eligible student with a copy of the records requested, or
- b) Make other arrangements for the parent or eligible student to inspect and review the requested records.

The CCBDD shall not destroy any education records if there is an outstanding request to inspect and review the records under this section of the policy.

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student.

#### 10.2.3 Right to Amend Data

Individuals/Parents/Guardians who believe that data collected, maintained, or used for program decisions regarding the individual are inaccurate or misleading or violate the privacy or other rights of the individual, may request the CCBDD to make appropriate amendments to the data. The CCBDD shall decide whether to amend the record as requested within a reasonable time after the board receives the request. If the board decides not to amend the record as requested, it shall inform the individual/parent/guardian of its decision and of his or her right to a hearing.

If the request to amend is denied, the CCBDD shall give the individual/parent/guardian, on request, an opportunity for a hearing to challenge the content of the individual's records on the grounds that the information contained in the records is inaccurate, misleading, or otherwise in violation of the privacy rights of the individual. If, as a result of the hearing, the CCBDD decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the individual, it shall:

- a) Amend the record accordingly, and
- b) Inform the individual/parent/guardian of the amendments in writing.

If, as a result of the hearing, the CCBDD decides that the information in the record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the individual, it shall inform the individual/parent/guardian of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the CCBDD, or both. If a statement is placed in the record, the board shall maintain the statement with the contested part of the record as long as the record is maintained and disclose the statement whenever it discloses the portion of the record to which the statement relates.

The Superintendent and management staff shall develop appropriate regulations and/or procedures to implement this policy.

#### 10.2.4 Treatment, payment and health care operations

The CCBDD may use PHI for treatment, payment and health care operations without an individual's release or authorization to the extent that such activities occur within the CCBDD program.

The CCBDD shall obtain a release or authorization from the individual for any disclosure for treatment, payment or health care operations when such disclosure is to a person or entity that is not otherwise entitled to receive such information under applicable requirements.

### 10.2.5 Disclosure of Information

Except as provided in 10.2.7, all disclosures of confidential information shall be made only when the individual, the individual's legal guardian or, if the individual is a minor, the individual's parent or guardian, authorizes the disclosure in writing.

All authorizations to disclose confidential information shall comply with state and federal regulations regarding the release of confidential information and shall contain the following:

- A. A specification of the information to be disclosed;
- B. The purpose or purposes of the disclosure or statement that disclosure is at request of individual;
- C. The party or class of parties to whom the disclosure may be made;
- D. A specific date upon which the authorization will expire;
- E. A statement that the authorization can be revoked prior to the disclosure; and
- F. The signature of the individual or their legal guardian and the date the authorization is signed.

Copies of all information disclosed shall be provided to the individual/parent/guardian upon request. If such request is made, the CCBDD may charge a fee to cover the cost of copying.

A record of all disclosures that includes the information disclosed, to whom it was disclosed, the reason and date of disclosure shall be maintained in the individual's record.

The CCBDD shall maintain a record of each request for access to and each disclosure of personally identifiable information from the records of each individual.

### 10.2.6 Disclosure Without Consent

Confidential information concerning an eligible individual may be disclosed without written authorization if the disclosure is:

- A. To other officials of the CCBDD, including professional staff, who have been determined to have a legitimate need for access to the information as determined by the Superintendent and outlined in CCBDD policy
- B. To Board members for the purpose of approval of a direct service contract as outlined in 5126.032 of the Ohio Revised Code
- C. To any federal or state agency, or agency under contract with the federal or state agency, responsible for the auditing, monitoring, or reviewing of programs and services provided or arranged by the CCBDD, the coordination of services for an eligible person, or the provision of protective services
- D. In connection with a health or safety emergency and the disclosure is necessary to protect the health or safety of the individual or other person or as a result of a suspicion or allegation of abuse, neglect or

misappropriation of an individual as required in ORC 2151.421, ORC 5123.61 and ORC 5126.31

- E. The disclosure is to comply with a judicial order
- F. For public health purposes such as reporting communicable diseases, work-related illnesses, or other diseases and injuries permitted by law; reporting births and deaths, and reporting reactions to drugs and problems with medical devices
- G. To coroners, medical examiners, and funeral directors
- H. For organ, eye or tissue donation
- I. Research
- J. To reduce or prevent a serious threat to public health and safety
- K. When required by law
- L. Specialized governmental functions
- M. For workers' compensation or other similar programs if applicable.

Standards from FERPA Specific to Pre-School and School Age Programs:

In addition to the disclosures listed above, confidential information from the educational record of an individual enrolled in the pre-school or school-age program may be disclosed without the written consent of the parent or guardian if the disclosure is:

- A. To officials of another school, school district or other educational agency in which the student seeks or intends to enroll:
  - 1. When the transfer of records is initiated by the parent at the sending school district or their educational agency;
  - 2. When the school district or other educational agency includes a notice in its policies and procedures that it forwards education records on request to a school district or other educational agency in which a student intends to enroll, or
  - 3. After a reasonable attempt to notify the parent, at the parent's last known address, that the transfer of records has been made.
- B. In connection with financial aid for which a student has applied or which a student has received, provided that personally identifiable information from the education records of the student may be disclosed only as may be necessary for such purpose as:
  - 1. To determine the eligibility of the student for financial aid;
  - 2. To determine the amount of the financial aid;
  - 3. To determine the conditions which will be imposed regarding the financial aid;
  - 4. To enforce the terms and conditions of the financial aid.
- C. To others when specified, but limited to those outlined in 45 CFR REG. 99.3.

The individual or the individual's legal guardian shall be notified as soon as possible of any disclosure made without prior consent and a copy of the disclosed information shall be made available upon request of the individual or the individual's legal guardian. The board may charge a fee to cover the cost of

copying. A record of all disclosures without consent shall be maintained in the individual's record.

The CCBDD shall maintain a record of each request for access to and each disclosure of personally identifiable information from the records of each individual.

#### 10.2.7 Redisclosure of Information

##### Standards from FERPA Specific to Pre-School and School Age Programs:

The CCBDD may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student.

The officers, employees and agents of a party that receives information described in the previous paragraph may use the information, but only for the purposes for which the disclosure was made.

This policy does not prevent the board from disclosing personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the board if:

- A. The disclosures meet the requirements of section 10.2.7 of this policy, and
- B. The board has complied with record keeping requirements of FERPA.

#### 10.2.8 Scope of Disclosure: Minimum Necessary Standard

In general, use, disclosure or requests of records must be limited to the minimum that is reasonably necessary to accomplish the purpose of the use, disclosure or request. The following are exceptions to this general principle:

- A. The minimum necessary standard does not apply to disclosures to the individual.
- B. When an individual has authorized disclosure, the scope of disclosure shall be in accordance with the authorization.
- C. Disclosures required by law or for monitoring purposes shall be made in accordance with the authority seeking the information.
- D. The CCBDD shall define what type of PHI is accessible to each position description as required to comply with the minimum necessary standards.

#### 10.2.9 Training of Workforce

The CCBDD shall carry out and document the following training:

- A. On or before April 14, 2003, all CCBDD employees and other workforce members must receive training on applicable policies and procedures relating to PHI as necessary and appropriate for such persons to carry out their functions within the CCBDD.

- B. Each new workforce member shall receive the training as described above within a reasonable time after joining the workforce.
- C. Each workforce member whose functions are impacted by a material change in the policies and procedures relating to PHI, or by a change in position or job description, must receive the training as described above within a reasonable time after the change becomes effective.

#### 10.2.10 Incidental Uses and Disclosures

The CCBDD may use or disclose PHI incidental to a use or disclosure otherwise permitted or required by applicable requirements.

- A. An incidental use or disclosure is a secondary use or disclosure that cannot reasonably be prevented, is limited in nature, and that occurs as a result of another use or disclosure that is permitted by the Rule.
- B. Permissible incidental uses and disclosures are those that occur as a by-product of another permissible or required use or disclosure, as long as the CCBDD has applied reasonable safeguards and implemented the minimum necessary standard (see section 10.2.8), where applicable, with respect to the primary use or disclosure.
- C. An incidental use or disclosure is not permitted if it is a byproduct of an underlying use or disclosure that violates applicable requirements and CCBDD procedures.

#### 10.2.11 Changes in Policies and Procedures

The CCBDD shall change its policies and procedures as necessary and appropriate to comply with changes in applicable requirements.

Changes shall apply to existing PHI effective on the date of notice of the change.

The CCBDD shall document material changes in policies and notices that reflect such changes. The CCBDD shall retain such documentation for seven years or as otherwise mandated by applicable requirements.

#### 10.2.12 Mitigation

The CCBDD shall mitigate, to the extent practicable, any harmful effect that is known to the CCBDD of a use or disclosure of protected health information in violation of its policies and procedures or the requirements of applicable requirements and CCBDD policies and procedures by the CCBDD or its business associate.

#### 10.2.13 Prohibition against Retaliation or Intimidation

No office, program, facility or employee of the CCBDD shall intimidate, threaten, coerce, discriminate against, or take other retaliatory action against

- A. Any individual for the exercise of their rights or participation in any process relating to HIPAA compliance, or
- B. Against any person for filing a complaint with the Secretary of the U.S. Department of Health and Human Services, participating in a HIPAA related investigation, compliance review, proceeding or hearing, or engaging in reasonable opposition to any act or practice that the person in good faith believes to be unlawful under HIPAA regulations as long as the action does not involve disclosure of PHI in violation of the regulations

#### 10.2.14 Prohibition against Waiver of Rights

No office, program, facility or employee of the CCBDD shall require individuals to waive any of their rights under HIPAA as a condition of treatment, payment, and enrollment in a health plan or eligibility for benefits.

### 10.3 Administration

10.3.1 CCBDD staff members whose functions are affected by a material change in the policies or procedures must be trained within a reasonable period of time after the material change becomes effective.

10.3.2 The CCBDD shall designate and document designations of the following:

- A. The Superintendent shall designate a staff position to be the Privacy Officer, responsible for the development and implementation of CCBDD policies and procedures relating to the safeguarding of PHI.
- B. Each program department of CCBDD shall have a member or representative to a Privacy/Confidentiality committee that advises and supports the Privacy Officer. The Superintendent shall appoint the Privacy/Confidentiality committee in consultation with the Privacy Officer.
- C. Each CCBDD facility or program shall designate a position title or office that will be responsible for receiving complaints relating to PHI and for providing information about the office's or program's privacy practices.

### 10.4 Notification

The CCBDD shall give adequate notice of the uses and disclosures of PHI that may be made by the CCBDD, and of the individual's/parent's/guardian's rights and the CCBDD's legal duties with respect to PHI.

The parent/guardian and/or adult client shall be notified about the maintenance of enrollee records upon the initial enrollment of a child or adult.

Upon request, the CCBDD shall provide parents/legal guardians or adult enrollees the following information regarding records:

- A. The type of information and records that are maintained on enrollees.
- B. The name and position of the custodian of enrollee records.

- C. The names of persons with access to enrollee records and the purpose for which they have access.
- D. The CCBDD's policies and procedures regarding review and expungement of records.
- E. The categories of directory information, if any, and
- F. All other rights and requirements of the individual/parent/guardian, including due process.

In compliance with 45 CFR Part 164 and Ohio law, all uses and disclosures of PHI beyond those otherwise permitted or required by law require a signed authorization. An authorization that conforms to procedures adopted by the DD Board may be used for use or disclosure of PHI in any situation where an authorization or release of information is required.

## 10.5 Individual Rights

### 10.5.1

The CCBDD shall ensure protection of individual rights to access to PHI, amendment of PHI and accounting of PHI and shall develop regulations and procedures to implement the protection of these individual rights.

### 10.5.2

In general, an individual has a right of access to inspect and obtain a copy of protected health information about the individual in a designated record set, for as long as the protected health information is maintained in the designated record set, subject to any limitations imposed by applicable law.

### 10.5.3

Information supplied to an individual is not subject to the minimum necessary standard.

### 10.5.4

The CCBDD may voluntarily agree to restrict disclosure of information. The CCBDD is not required to agree to such restrictions. If there is such an agreement, the CCBDD shall abide by the terms of the agreement, unless and until the agreement is rescinded in accordance with CCBDD procedures.

### 10.5.5

An individual may request, subject to conditions set forth in CCBDD procedures, that confidential information be conveyed by the CCBDD to the individual through alternative means or at alternative locations.

### 10.5.6

Subject to the rules set forth in applicable requirements and DD Board procedures, an individual has the right to have the CCBDD amend PHI or a record about the individual in a designated record set for as long as the PHI is maintained in the designated record set.

#### 10.5.7

If the CCBDD discloses an individual's identity or releases a record or report regarding an eligible individual, the CCBDD shall maintain a record of when and to whom the disclosure or release was made.

#### 10.6 Safeguards for PHI

Each program or facility of the DD Board shall adopt and implement appropriate administrative, technical, and physical safeguards to reasonably safeguard PHI from intentional or unintentional unauthorized use or disclosure.

#### 10.7 Complaints and Grievances

The DD Board shall permit individuals to make complaints about the DD Board's HIPAA policies and procedures and/or the DD Board's compliance with those policies and procedures. The DD Board shall document all such complaints.

#### 10.8 Sanctions

##### 10.8.1 Confidentiality

Information maintained in the enrollee record and personally identifiable information concerning any individual who has requested services from the CCBDD or an eligible individual receiving services from the CCBDD is confidential. Personally identifiable information includes, but is not limited to:

- A. The name and address of the individual, parent or other family member;
- B. A personal identifier, such as social security number, of the individual, parent or other family member;
- C. A description of personal characteristics or other information that would make it possible to identify the individual, parent or other family member with reasonable certainty; and
- D. Information that would make the identity of the individual, parent or other family member easily traceable.

The CCBDD shall ensure that all confidential information is protected in accordance with applicable laws and regulations.

##### 10.8.2 Application/Documentation

The DD Board shall apply and document application of appropriate sanctions against workforce members who fail to comply with the privacy policies and procedures of the DD Board or applicable requirements.

Sanctions may not be applied to whistleblowers, certain victims of crime committed by individuals served by the DD Board or in a manner that would be reasonably construed as intimidation or retaliation.

#### 10.9 Business Associates

##### 10.9.1

The CCBDD shall ensure protection of the use, disclosure and creation of individuals' PHI to other persons or entities performing activities on behalf of the

DD Board, by entering into Business Associate agreements or Memoranda of Understanding.

#### 10.9.2

General: The DD Board shall not disclose PHI to any person or entity under contract with the DD Board without a BA agreement or MOU which conforms to requirements applicable to BA relationships unless such disclosure is otherwise permitted under federal or Ohio law.

#### 10.9.3 Review of existing contracts:

The DD Board shall review all existing contracts and extensions of contracts with any person or entity outside the workforce to determine whether there is a BA relationship under HIPAA.

#### 10.9.4

The CCBDD shall conform to all requirements applicable to BA relationships.

### 10.10 Document Management

#### 10.10.1 Policies, procedures and other documentation required by HIPAA

The DD Board shall maintain written or electronic copies of all policies and procedures, communications, actions, activities or designations as are required to be documented under DD Board policies for a period of seven (7) years from the later of the date of creation or the last effective date or such longer period that may be required under state or other federal law, or as set forth below.

#### 10.10.2 Records with PHI and financial records

- A. The DD Board shall retain all CAFS-related record information and fiscal data for a period of seven years from the date of receipt of payment or for six years after any initiated audit is completed and adjudicated, whichever is longer, and said records shall be available for any partial or full review.
- B. The DD Board shall retain all records and forms, including, but not limited to ISPs, necessary to fully disclose the extent of services provided and related business transactions for a period of seven years from the date of receipt of payment, or for six years after any initiated audit is completed and adjudicated, whichever is longer.
- C. The DD Board shall retain financial, statistical; and medical records supporting the cost reports or claims for services rendered to residents of ICFs/MR for the greater of seven years after the cost report is filed; if ODHS (Ohio Department of Health Services) issues an audit report in accordance with rule 5101:3-3-21 of the Administrative Code, or six years after all appeal rights relating to the audit report are exhausted.
- D. The DD Board shall maintain the records necessary and in such form to disclose fully the extent of HCBS waiver services provided,

for a period of six years from the date of receipt of payment or until an initiated audit is resolved, whichever is longer

#### 10.11 Document Destruction

The DD Board shall notify an eligible individual, the individual's guardian, or, if the eligible individual is a minor, the individual's parent or guardian, prior to destroying any record or report regarding the eligible individual.

Records of enrollees who have withdrawn or been discharged from the program shall be maintained for a period of 7 years or 6 years after any audit is completed and adjudicated, whichever is longer. After this time, if no further service has been provided or requested, the records shall be destroyed. Written permission of the enrollee or parent of a minor or guardian, if available, shall be obtained prior to the destruction of enrollee record information.

The CCBDD shall maintain a record of the enrollee's name, telephone number, birth date, classes attended, attendance record, building attended and program year completed.

While an individual is enrolled in a CCBDD program, individual service plans (IFSP, IEP, and IHP) and related material may be removed from a client folder if older than five years so that the file can be stored reasonably. Individual service plan material removed from the client folder shall be maintained by the CCBDD for a period of 7 years after the effective date of the plan or 6 years after any audit is completed and adjudicated, whichever is longer.

#### Standards from FERPA Specific to Pre-School and School Age Programs:

The CCBDD shall not destroy any education records if there is an outstanding request to inspect and review the records under this section of the policy.

## Chapter 11

### Equipment, Facilities, Gifts and Donations

#### 11.1 Equipment

##### 11.1.1 Inventory and Control

The accounting department shall be responsible for maintaining up-to-date asset inventory records listing all equipment owned by the CCBDD. Inventory records shall be filed annually with the county auditor's office, pursuant to Ohio Revised Code Section 305.18.

All equipment placed at a site shall be under the control of the manager of CCBDD staff at that site who shall determine its proper assignment and use. The CCBDD will not accept responsibility nor liability for equipment that it does not own, with the exception of equipment held under lease agreements (such as instructional machines and office copy machines) or equipment related to conduct of business in adult activity centers under terms of the CCBDD agreement with S.A.W. Inc.

##### 11.1.2 Use of Equipment by Enrollees

Items of equipment shall be available for loan to teachers and other appropriate employees for education oriented programs and purposes. When, in the judgment of an employee or administrator, the enrollees can benefit from the use of equipment outside the site and the site's use is not disadvantaged by the loan, items of equipment shall be available for lending to enrollees.

##### 11.1.3 Use of Equipment by Staff

Employees shall not use CCBDD equipment for personal projects not related to their assigned work.

##### 11.1.4 Use of Equipment by Other Organizations

Items of equipment may be lent to other schools and taxing bodies and other not-for-profit organizations serving people who have developmental disabilities in Cuyahoga County.

##### 11.1.5 Regulations

Regulations for control of lending of equipment shall be developed by the superintendent.

##### 11.1.6 Disposal of Equipment Assets

Items of equipment that are no longer utilized within a department, whether tagged or untagged, must follow the established procedures for disposal. Established methods include auction, scrap, trade-in, transfer, sell/lease/donate to another government agency or donate to a non-profit agency via County Central Services.

## 11.2 Facility Use

### 11.2.1 Program Priority

The administrator responsible for each site shall assign and schedule space to ensure priority of use for the enrollee's services, supports and activities. The superintendent shall establish and communicate procedures for assignment and control of space used by the CCBDD and other organizations.

### 11.2.2 Other Organizations

The CCBDD's sites may be used by educational, recreational, cultural, civic, governmental or social organizations or individuals in Cuyahoga County. The CCBDD's sites may not be used by for-profit organizations or activities.

### 11.2.3 Building Use Fees

The superintendent shall establish a schedule of fees to be paid by other organizations using the CCBDD's sites. Any organization directly involved in the activities of the CCBDD, its staff, enrollees or their parents shall be exempt from paying fees.

### 11.2.4 Center Visitation

Parents and other citizens shall be encouraged to visit centers throughout the year as means of becoming better informed regarding the operation of the centers. As a security measure, all visitors shall register in a manner prescribed by the principal or manager upon entering the building. The visitor may be requested to present proper identification and to state the purpose of the visit.

### 11.2.5 Emergency Closing of Centers

In the event that severe weather, natural disaster, damage to the building or other unusual causes make it necessary to suspend some or all services and supports, such decision and announcement shall be made by the superintendent.

### 11.2.6 Soliciting, Selling and Advertising

All salespeople, solicitors and representatives or organizations shall have clearance by a Central Office administrator and the principal or manager before visitation within a building is allowed.

### 11.2.7 Use of Inter-Site Mail

Use of the inter-site mail distribution system by employees and by organizations, hereinafter named, shall be encouraged as a means of effective communication within the program.

To distribute information relative to the affairs of the CCBDD, inter-site mail may be used by the CCBDD, employees of the CCBDD, Parent-Teacher

Units, the employees' recognized bargaining units and the superintendent. All such inter-site mail shall be clearly identified with the name of the sender.

Inter-site mail shall not be used for the distribution of political propaganda.

The CCBDD shall assume no responsibility or liability in connection with the dissemination and distribution of mailing pieces from organizations and persons designated above other than to accept them for dissemination and distribution.

#### 11.2.8 Prohibition of Deadly Weapon or Dangerous Ordnance

No person, including any person who is licensed to carry a concealed weapon, shall knowingly possess, control, convey or attempt to convey a deadly weapon or dangerous ordnance as defined in O.R.C. 2923.11 on property owned, leased or controlled by the CCBDD. This policy does not apply to local, state, or federal law enforcement authorities. Any person who violates this policy may be subject to prosecution. All properties owned, leased or controlled by CCBDD must have a notice posted of such prohibition.

### 11.3 Smoking

Smoking is prohibited in any facility owned or leased by the CCBDD. This policy applies to all persons attending or visiting the facility including staff, visitors and enrollees of the CCBDD. The CCBDD will provide protected space outside of the facility to persons who wish to smoke. This policy does not apply to facilities within which programs and services are provided to CCBDD enrollees under contract.

### 11.4 Gifts and Donations

#### 11.4.1 Acceptance and Recognition

As a publicly supported institution, formal action shall be taken by the Board preceding acceptance of gifts, grants, donations, devices and titles to property. Presentation of memorials or other awards shall be fittingly recognized, but in no case shall such action be considered an endorsement of a product or business enterprise. In all cases, appropriate appreciation and acknowledgment shall be made.

#### 11.4.2 Fiscal Responsibility

All gifts, grants and donations to the board, its programs and centers shall be deposited with the county treasurer and credited to the appropriate CCBDD fund. All real property, equipment, supplies or other property shall become the property of the CCBDD and shall be placed on the inventory records of the CCBDD.

#### 11.4.3 Gifts to Staff Members

Plans for gifts by groups of enrollees to employees shall have prior approval of the appropriate administrator. An effort shall be made to make participation optional and without embarrassment to those not desiring to participate and keep contributions to such projects at a reasonable amount. Administrators shall use their judgment and influence to see that memorials and gifts to departing staff and other projects of this sort sponsored by parent groups are moderate and that donations are nominal.

## Chapter 12

### Purpose, Revision and Distribution of Policy Manual

#### 12.1 Purpose

The purpose of the CCBDD Policy Manual shall be to set forth the policies adopted by the Board for the guidance of the CCBDD, its employees and the public.

#### 12.2 Revision

This CCBDD Policy Manual may be revised, added to or amended at any properly convened meeting of the Board by a majority vote of the members.

It shall be the responsibility of the superintendent to prepare and submit, in writing, recommendations for the change at any time a change appears necessary to him/her or upon a motion adopted by the Board.

The Board shall also consider the adoption of any change recommended, in writing, by a properly constituted committee of the Board.

The superintendent shall apprise all employees promptly of any changes approved by the Board. Annually, following the organizational meeting of the Board, the superintendent shall arrange for all available copies of the CCBDD Policy Manual to be corrected to conform to any changes made by the Board during the preceding year.

#### 12.3 Distribution

Copies of the CCBDD Policy Manual shall be made available to all employees. It shall be made available to parents/guardians upon request. Copies shall be placed in all site offices, in the Instructional Media Center and in the Cleveland Public Library. In addition, copies shall be made available to public bodies and other interested organizations in the community.

## Chapter 13

### Addenda

This section contains policy actions taken by the Board in public session throughout 2011.

These actions will be incorporated into the body of the Policy Manual document prior to the 2012 organizational meeting.