

# POLICY 200

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## **200 PROGRAM ADMINISTRATION**

### Mission Statement

“Our Mission is to help those we serve expand capabilities and navigate the possibilities.”

To assist with the provision of the Board’s Mission the Board sets policy, determines budgets and hires a Superintendent to oversee the following divisions to carry out the program services:

**Early Intervention Services** – The Early Intervention Program is for infants and toddlers age birth through two who demonstrate a delay of at least one and a half standard deviations below the mean in any one of the following areas: adaptive, cognitive, communication, physical, or social / emotional development on the required tool or a child can also be determined eligible if they are diagnosed with a mental or physical condition with a high probability of resulting in a developmental delay or, through Informed clinical opinion

**Children’s Services** – Through a cooperative effort with the Clermont County Public School districts, the School Age Program is available for ages 6 through age 22.

**SSA Waiver and Community Support Services** – The SSA Waiver and Community Support Departments are responsible for assisting individuals and their families in identifying and acquiring the appropriate services and support they choose for themselves within the diverse resources available to them, including but not necessarily limited to: Service and Support Administration, Family Support Services, and Home and Community Based Waiver Services.

**Behavioral Health Services** – Responsible for overseeing the Behavior Support and Mental Health Support functions of the agency.

**Community Employment Services** – Responsible for oversight of the Community Employment functions of the agency including Youth Employment Transition Services, Job Placement and Job Coaching Services.

**Investigation Unit** – The Investigative Unit for the Clermont County Board of DD manages information for all DD service providers, including county board-operated programs and services, involving significant incidents that pose a risk to the health and safety of individuals with DD. This information is generated through the Major Unusual Incident (MUI) process.

**Business Operations** – Human Resources Division, Transportation & Fleet Maintenance and Occupational Safety and Health – The Business Operations department also monitors Board compliance with targeted areas of statutory and administrative code necessary to assure the health, safety, and human rights of the individuals served by the Clermont County Board of DD.

The Business Operations department is responsible for the overall fiscal management of all funds received and expended by the Clermont County Board, and for ensuring that the Board provides and/or contracts for services that meet and exceed all applicable rules and regulations. Business Operations is also responsible for Risk Management, Insurance, Technology, Accessibility planning and compliance, and contract bids.

**Communication & Community Relations** – The Communication & Community Relations division of the Board is responsible for communicating the Board's mission to

the Clermont County community, for administering the agency volunteer program, consumer activity program and for and Fundraising.

## **201 FINANCIAL PLANNING AND MANAGEMENT**

The Clermont County Board of Developmental Disabilities operates all its programs within the financial constraints of available funds. Assets are allocated based on short and long term planning as well as the needs of the individuals served by the Clermont County Board of Developmental Disabilities.

Budgets are established based upon anticipated tax collection, other revenue estimates provided by federal and state sources, funds from grants and fund raising activities and planned service charges.

The Clermont County Board of Developmental Disabilities operates within revenue amounts certified by the Clermont County Budget Commission and appropriated by the Clermont County Board of Commissioners on behalf of the Clermont County Board of Developmental Disabilities.

Allocation of all resources and needs are considered whenever a budget is established or revised. Multiple sources and options are considered before expenses are authorized.

The Clermont County Board of Developmental Disabilities participates in the County-Wide Financial Audit as performed by the Ohio Auditor of State's Office. All fiscal matters are tracked in a manner, which allows all fiscal and programmatic audits to have its needed information.

All fiscal actions are maintained in accordance with the generally accepted accounting principles applicable to its program.

Current and accurate reports are to be generated and available to the Board and to the public upon request.

All revenues are deposited on a daily basis into the appropriate account.

The Clermont County Board of Developmental Disabilities participates in the Clermont County Insurance Programs where appropriate. Additional insurance is purchased by the Board as needed to protect the Board, its assets, and employees.

Specifics can be found within other sections of the Clermont County Board of Developmental Disabilities Procedure Manuals where appropriate.

## **202 FINANCIAL LIMITATIONS-POLITICAL (ORC 3313.17)**

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.

## **203 MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS**

Employees of the Clermont County Board of Developmental Disabilities may, upon approval of Superintendent/designee join professional organizations and have their dues paid.

Employees may be permitted to attend applicable association conferences of their choice and be reimbursed expenses.

**204 FISCAL AGENT**

The County Auditor serves as the fiscal agent for the Clermont County Board of Developmental Disabilities and funds are payable pursuant to vouchers approved by the Board.

**205 COMPETITIVE BIDDING REQUIREMENTS**

Anything to be purchased, leased, leased with option or agreement to purchase, or constructed, including but not limited to any product, construction, reconstruction, improvement, maintenance, repair or service, except the services of an accountant, architect, attorney at law, physician, professional engineer, surveyor, or appraiser by or on behalf of the County or contracting authority, as defined in Section 307.86 of the Revised Code, at a cost in excess of that permitted by law shall be obtained through competitive bidding. However, competitive bidding is not required when:

- A. The Board, by a unanimous vote of its members, makes a determination that a real or present emergency exists, and such determination and the reasons therefore are entered in the minutes of the proceedings of the Board.
- B. There is actual physical disaster to structures.
- C. Such purchases consist of supplies or a replacement for supplemental part or parts for a product or equipment owned or leased by the Board and the only source of supply for such supplies, part, or parts, limited to a single supplier.
- D. Such purchase is from the Federal Government, State, or other County, or contracting authority thereof, a Board of Education, Township, or Municipal Corporation.

- E. The County Prosecutor has determined that a Request for Proposal may be appropriate instead of a Request for Bid.

## **206 DONATIONS**

Donations must be used for the purpose intended by the donor. In the event that a donation is made without specification of purpose, the donation will be used at the discretion of the Board.

## **207 UNAUTHORIZED PERSONS**

No person will be permitted within the school classrooms, workshops or other facilities of the Board unless authorized by the Superintendent or other Administrative Personnel who have been delegated the authority to give such authorization.

## **208 LEGAL ADVISOR**

The Prosecuting Attorney shall be the legal advisor of the Board. The Board may employ outside legal counsel with the permission of the Clermont County Prosecuting Attorney.

## **209 EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION**

- A. The Clermont County Board of Developmental Disabilities, in compliance with the Civil Rights Act of 1964, and subsequent acts or amendments, will not discriminate with hiring, promotion, training, recruitment, retention or discipline based on race, color, national origin, sex, religion, age or handicap.

- B. The Clermont County Board of Developmental Disabilities will use affirmative action to assure that Equal Opportunity and Equal Representation of minorities, women, and/or any other group will be represented in employment and decision making at all levels of programs.
- C. Employees, recipients of services, applicants, or sub-contractors who believe the Clermont County Board of Developmental Disabilities or any contracting agency of the Board, violates any of the Equal Opportunity or Affirmative Action clauses may appeal the action of the Board or sub-contracting agency to the Ohio Department of Developmental Disabilities, Office of Legal and Labor Services; Equal Opportunity Services; Required applicable regulations will be posted in all programs of the Board.

**210 ACCESS TO BOARD POLICY & RULES and REGULATIONS**

Parents, Guardians, Staff or any interested person will be granted access to the Policy of the Clermont County Board of Developmental Disabilities.

These policies will be made available during normal working hours, and copies of sections will be made, upon request and payment of a reasonable fee, at the offices of the Superintendent of the Clermont County Board of Developmental Disabilities within ten working days of receipt of written request.

A copy of the complete Board Policy Manual, as well as copies of Ohio Revised Code 5126, 5123, 3323, and any applicable federal and state rules and regulations shall be available at each site and accessible to administration and staff members.



**211 COOPERATION WITH OTHER ORGANIZATIONS FOR SERVICE DELIVERY TO MULTI-NEED CHILDREN**

- A. The Clermont County Board of Developmental Disabilities shall work cooperatively with County Children's Services Boards or County Departments of Jobs and Family Services that have assumed the administration of Child Welfare, local Mental Health Boards, local and County Boards of Education, County and City Health Departments and Department of Youth Services regional offices.
- B. The Clermont County Board of Developmental Disabilities shall bring to the attention of the appropriate organization referenced in Paragraph (A) of this rule, the case of any child who is a client of the Board for whom the Board has assessed there is to be a service need which they cannot meet but which could possibly be met by one of the other organizations. Upon referral of the child's case to the appropriate organization, the Board may assist in the development and planning for that child.
- C. At the request of an organization referenced in Paragraph (A) of this rule the Clermont County Board of Developmental Disabilities shall assess each child who is not currently its client to determine whether services are needed and can be provided by the Board.

**212 DISCRIMINATION COMPLAINT PROCEDURE**

The Board endeavors to inform clients, participants, potential clients, staff, and other interested persons of the fact that services, financial aid, and other benefits under the program are provided on a non-discriminatory basis, as required by the Civil Rights Act of 1964. Any citizen has the right to file a complaint with this agency, the Ohio Civil Rights

Commission and/or the Federal Equal Opportunity Commission, if he/she believes that discrimination on the ground of race, color, religion, sex, national origin, handicap, ancestry or age is being practiced. The following are the suggested steps to follow:

- A. All complaints concerning discrimination shall be filed in writing.
- B. The complaint shall describe the type of alleged discrimination and shall indicate when and where such discrimination occurred and describe all pertinent facts and circumstances surrounding the alleged act.
- C. The complaint shall be signed by the person making the allegation, and/or his/her advocate or guardian. Anonymous complaints not involving consumers shall be disregarded.
- D. All complaints shall be addressed to the Superintendent of the Clermont County Board of Developmental Disabilities, 2040 U.S. Route 50, Batavia, Ohio 45103,

OR

Ohio Civil Rights Commission  
Holiday Park East  
801-B West Eighth Street, Suite 200  
Cincinnati, Ohio 45203  
513-852-3344

OR

Federal Equal Employment Opportunity Commission  
Room 402, Engineers Building  
1365 Ontario Street  
Cleveland, Ohio 44114  
(216) 522-4793/4795

### **213 PROTECTION OF "WHISTLEBLOWERS"**

See [Policy 324: Protection of Whistleblowers](#).

**214 COUNTY BOARD STRATEGIC PLANNING AND ANNUAL ACTION PLAN**

A county board shall develop and adopt by resolution a strategic plan that meets the requirements of sections 5126.04 and 5126.054 of the Revised Code, includes the county board's mission and vision, and addresses the county board's strategy for:

(a) Promoting self-advocacy by individuals served by the county board through the person-centered planning process, activities, and community connections;

(b) Ensuring that individuals receive services in the most integrated setting appropriate to their needs;

(c) Reducing the number of individuals in the county waiting for services;

(d) Increasing the number of individuals of working age engaged in community employment;

(e) Taking measures to recruit sufficient providers of services to meet the needs of individuals receiving services in the county; and

(f) Meeting with each newly certified independent provider within sixty calendar days of the provider being selected to provide services to an individual, for purposes of confirming the provider understands the individual service plan and the provider's responsibilities and ensuring the provider has contact information for the county board.

(2) The strategic plan shall be made readily available to individuals and families who receive services, employees of the county board, citizens of the county, and any other interested persons.

(3) A county board shall prepare a strategic plan progress report at least once per year. The strategic plan progress report shall be made readily available to individuals and families who receive services, employees of the county board, citizens of the county, and any other interested persons.

(4) A county board shall have a mechanism for accepting public feedback regarding the strategic plan and strategic plan progress reports.

Annually, on or before the thirty-first day of December each year, each county board of developmental disabilities shall, by resolution, develop and submit to the department of developmental disabilities an annual plan that includes the following components:

(A) The number of individuals with developmental disabilities residing in the county who are placed on the county board's waiting list established for the services pursuant to section [5126.042](#) of the Revised Code; the service needs of those individuals; and the projected annualized cost for services;

(B) The projected number of individuals to whom the board intends to provide home and community-based services based on available funding as projected in the board's annual five-year projection report submitted pursuant to section [5126.053](#) of the Revised Code.

## **215 CONTRACTS**

When services are contracted, it shall be the responsibility of the Clermont County Board of Developmental Disabilities to assure that the services being provided are in accordance with the rules of the Department of Developmental Disabilities. Prior to the

implementation of any contract, said contract will be reviewed by administrative personnel of the Clermont County Board of Developmental Disabilities and may also be reviewed by the Clermont County Prosecutor in order to assure that said contract is in compliance with all applicable rules and regulations as defined by Ohio Revised Code 5126,5123, and 3323. All contracts will be monitored by assigned County Board Personnel on a regular periodic basis. Review of all contracts will be done on an annual basis to assure continuing compliance with applicable rules and regulations.

Reimbursement shall only be provided for contracted services when individuals receiving such contracted services meet eligibility requirements established by the Ohio Department of Developmental Disabilities.

## **216 ELIGIBILITY**

- A. Eligibility determination for Developmental Disabilities or developmental delay
  - 1. "Developmental disability" means a severe, chronic disability that is characterized by all of the following:
    - a. It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section [5122.01](#) of the Revised Code;
    - b. It is manifested before age twenty-two;
    - c. It is likely to continue indefinitely;
    - d. It results in one of the following:

- (i) In the case of a person under age three, a delay of at least one and a half standard deviations below the mean in any one of the following areas: adaptive, cognitive, communication, physical or social / emotional development on the required tool or a child can also be determined eligible if they are diagnosed with a mental or physical condition with a high probability of resulting in a developmental delay or informed clinical opinion;
  - (ii) In the case of a person at least age three but under age six, at least two developmental delays or an established risk;
  - (iii) In the case of a persons age six or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for his age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least age sixteen, capacity for economic self-sufficiency.
- e. It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.

2. A substantial functional limitation in a major life area is determined through completion of the "Ohio Eligibility Determination Instrument" (OEDI) and application of criteria found therein.
3. For children age six through fifteen, a substantial functional limitation in a major life area is determined through completion of the "Children's Ohio Eligibility Determination Instrument" (COEDI) and application of criteria found therein. The COEDI is used in the eligibility determination process for the county board for all services and supports other than special education services.
4. The OEDI and COEDI shall be administered by county board personnel authorized to do so by the department. At the local county board's discretion, other individuals may be authorized by the department to administer the OEDI and COEDI.
5. Eligibility may be determined for individuals under the age of six who have an established risk of acquiring a developmental delay, or for individuals who have a biological or environmental risk of acquiring a developmental delay.
6. "Developmental delay" means that a child has not reached developmental milestones expected for his chronological age as measured by qualified professionals using appropriate diagnostic instruments and/or procedures.
  - a. Delay shall be demonstrated in one or more of the following developmental areas: adaptive behavior; physical development

or maturation (fine and gross motor skills; growth); cognition; communication; social or emotional development; and sensory development; or

- b. An established risk involving early aberrant development related to diagnosed medical disorders, such as infants and toddlers who are on a ventilator, are adversely affected by drug exposure, or have a diagnosed medical disorder or physical or mental condition known to result in developmental delay such as Down syndrome.
  - c. Depending on the plan and priorities established by the county board, a county board may serve a child who has a condition which has a high probability of resulting in developmental delay if early intervention services are not provided, including the following two categories:
    - (i) Biological risk: history of prenatal, neonatal, and early developmental events suggestive of biological insult(s) to the developing nervous system.
    - (ii) Environmental risk: at risk for delayed development because of limiting early environmental experiences.
7. The county board shall complete eligibility determination within forty-five calendar days of the request for services or after all necessary information has been received from the referring party or applicant.



8. The county board shall keep on file the documents used to determine eligibility of all persons who apply after July 1, 1991, whether or not such persons are found to be eligible. Information on persons found to be ineligible shall be maintained for five years after such determination is made. Information on persons determined to be eligible for the county board shall be maintained in accordance with this policy.
9. When a person who has been determined eligible for a county board after July 1, 1991 moves to or wants to move to another county in Ohio, that person shall be considered to be eligible in the new county. In the case of a person wanting to move into another county, the request shall be reviewed every six months to determine if it is still current. The new county; however, may review the person's eligibility. During the review, the person continues to be eligible to receive services according to the county board's plan and priorities.
10. All persons who were eligible for services and receiving services from programs offered by a county board pursuant to Chapter [5126](#) of the Revised Code on July 1, 1991, shall continue to be eligible for those services and to receive services in those programs as long as they are in need of services.
11. All persons who were eligible for case management services and receiving case management services pursuant to Chapter [5126](#) of the Revised Code on January 10, 1992, shall continue to be eligible for case management services as long as they are in need of services.

- B. All persons found not to be eligible shall be referred, with their consent, to other agencies or sources of services.

**217 WAITING LISTS: 5123:4-01**

- A. General Provisions: This Policy outlines the responsibilities of the County Board in utilizing and administrating waiting lists for County Board Services according to the 5123:4-04.

The purposes of this policy are as follows:

- a. To set forth the requirements a County Board must meet in establishing and maintaining waiting lists,
  - b. To establish a process of communication regarding waiting lists between a County Board and an individual, the individual's guardian, and the individual's family, as applicable.
  - c. To establish procedures for due process.
- B. Waiting lists for Non-Medicaid programs and services
    - 1. If a county board determines that available resources are not sufficient to meet the needs of all individuals who request Non-Medicaid programs or services the county board shall establish one or more waiting lists for such programs or services in accordance with the county board's strategic plan described in 5123: 4-01
    - 2. Due process in accordance with rule 5123:2-1-12 of the Administrative Code shall be available to an individual aggrieved by an action of a county board related to the establishment or maintenance of placement

on the failure to offer services in accordance with or removal from a waiting list for non-medical programs and services established in accordance with paragraph (E) (1) of this rule. A county board may if it has adopted a written policy describing an informal process for resolution of complaints and appeals of adverse action in accordance with rule 5123: 2-1-12 of the Administrative Code attempt to informally resolve the matter. An attempt to informally resolve the matter shall not affect the individual's right to due process.

3. A county board shall, in manner specified in rule 5123: 2-1-12 of the Administrative Code give notice to each individual on the waiting list for Non-Medicaid programs and services established in accordance with paragraph E (1) of this rule, the individual's guardian, and in accordance with section 5126.044 of the Revised Code, the individual's family as applicable, of the individual's due process rights. The county board shall document that such notice was given and the content of the notice.
4. Upon the department's request, a county board shall submit in a format specified by the departments, documentation related to its waiting lists for Non-Medicaid programs and services established in accordance with paragraph E (1) of this rule, including but not limited to, information regarding individuals who requested services or were removed from a waiting list.

**218 ADMINISTRATIVE RESOLUTION OF COMPLAINTS**

- A. This policy establishes the process for Clermont County Board of DD for the administrative resolution of complaints involving the programs, services, policies, or administrative practices of the Clermont County Board of DD or the entities acting under contract with the Clermont County Board of DD. Areas subject to administrative resolution by the Clermont County Board of DD include, but are not necessarily limited to, eligibility determination, arranging appropriate services for eligible individuals, or any denial, reduction or termination of services to individuals by the Clermont County Board of DD.
- B. Application
  - 1. Any person, other than an employee of the Clermont County Board of DD, may file a complaint using the administrative resolution process established under this policy, and shall use this process prior to commencing a civil action regarding the complaint.
  - 2. For an individual placed by the local education agency into the Clermont County Board of DD program, the policies for the education of handicapped children, as promulgated by the state board of education, shall be followed. Other eligible individuals, receiving services from the Clermont County Board of DD as promulgated by ODDD 5123:2-1-06 shall be afforded the right to the administrative resolution process outlined in this policy. Infants and toddlers who are served by the Clermont County Board of DD shall be afforded the right to the administrative resolution process outlined in this policy.

3. Administrative Resolution of Complaints for enrollees under age three who are eligible for Part C of IDEA shall be provided according to the Ohio Department of Health Procedural Safeguards Policy.
4. The provisions of this policy shall not apply to an individual applying for or enrolled in services provided pursuant to the Medicaid home and community-based services waiver. All such appeals of decisions of the Clermont County Board of DD shall be made to the Ohio Department of Human Services (ODHS) in accordance with applicable policies for appeals promulgated by ODHS under Chapters 5101:6-1 to 5101:6-9 of the Administrative Code. Such individuals may appeal other decisions of the Clermont County Board of DD related to services or administrative practices of the Clermont County Board of DD other than HCBS waiver services using the applicable process under this policy. Concurrent to any such appeal to ODHS, the individual and the Clermont County Board of DD may attempt to informally resolve issues related to HCBS waivers through the grievance policy adopted by said board in accordance with paragraph (E) of this policy.
5. The provisions of this policy shall not apply to complaints regarding the performance of delegable nursing tasks at Clermont County Board of DD. The procedures outlined in policies 4723-21-28 and 5123:2-1-07 of the Administrative Code shall apply.
6. An entity or individual receiving services under contract with the Clermont County Board of DD shall follow the process for resolving

complaints established under division (B) of section 5126.45 of the Revised Code prior to initiating an appeal pursuant to this policy. After exhausting the process for resolving complaints established by contract, an individual may initiate an appeal under paragraph (F) (8) of this policy.

C. As used in this policy:

1. "Complainant" means a person as defined in section 1.59 of the Revised Code and shall include any person other than an individual as defined in this policy, a corporation, business trust, estate, trust, partnership, and association when such person has an interest with the Clermont County Board of DD through a contract or in relation to an administrative practice of the board.
2. "Clermont County Board of DD" means the Clermont County Board of Developmental Disabilities, including board members as an entity, the superintendent and any person employed by or under contract with the board who has authority for administrative or service implementation on behalf of said board.
3. "Department" means the Ohio department of Developmental Disabilities.
4. "Employee" means unclassified employees of the Clermont County Board of DD seeking to resolve employment issues who shall follow the procedures in the contract entered into pursuant to section 5126.21 of the Revised Code and in accordance with section 5126.23 of the

Revised Code and classified employees of the Clermont County Board of DD seeking to resolve employment issues who shall follow the procedures in Chapter 124. of the Revised Code or within an applicable collective bargaining agreement entered into pursuant to Chapter 4117. of the Revised Code.

5. "Individual" means a person applying for, determined eligible for, denied eligibility, or enrolled in the programs, services, and supports provided or arranged in accordance with Chapter 5126. of the Revised Code and includes the parents of an individual who is a minor, any guardian, or any other legally appointed representative acting in a legal capacity on the individual's behalf.

D. Notification of the administrative resolution process

1. The Clermont County Board of DD shall give annual notification of the availability of the procedure for administrative resolution of complaints to individuals and any entity in the county that serves persons or provides or desires to provide other goods or services under a contract with the Clermont County Board of DD. The Clermont County Board of DD shall post the toll free number for the department and Ohio legal rights service in a visible place. The Clermont County Board of DD shall inform the individual that a representative of the Clermont County Board of DD is available to assist the individual with the administrative resolution procedures outlined in this policy.

2. Upon receipt of any complaint subject to administrative resolution under this policy, the superintendent or appropriate designee shall provide written notice of the rights to administrative resolution of the complaint to the complainant or individual. Where circumstances permit, this notice shall be given at least ten days before the action is taken. Such notice shall be written in terms reasonably calculated to be understood by the complainant or individual, and shall include the following:
  - a. A detailed description of the proposed action;
  - b. A clear statement of the reasons for the proposed action, including the specification of any evaluative instruments or reports upon which such action is proposed;
  - c. A statement that the complainant or individual has the right to seek administrative resolution regarding complaints about such decision; and
  - d. A copy of the written administrative resolution process.
- E. The Clermont County Board of DD shall implement the following grievance procedure as an informal process for the resolution of disputes with complainants or individuals.
  1. This policy authorizes the superintendent to appoint one or more persons to conduct an informal hearing of such disputes seeking to resolve the issue within a timeframe of no more than thirty days. Filing of such grievances under this policy shall not affect the rights of the



complainant or individual to file an appeal through the administrative resolution procedures under paragraph (F) of this policy.

2. The superintendent authorizes through this policy the Director of each program to oversee and implement this informal process of grievance resolution:
    - a. Complainant talks/communicates directly to staff member regarding complaint.
    - b. If issue is not resolved complainant talks/communicates directly to Program Coordinator or appropriate manager regarding complaint.
    - c. If issue is not resolved complainant talks/communicates directly to the Director of the Program.
    - d. If issue is not resolved complainant talks/communicates directly to the Superintendent.
  3. Documentation of each level of informal process shall be maintained in complainant file. Entire informal process shall be completed within 30 days.
- F. Administrative resolution procedures.
1. Subject to the limitations of section 5123.043 of the Revised Code, any request for administrative resolution of a complaint filed in accordance with this policy will not abrogate any other rights to services. If the Clermont County Board of DD is requesting a termination or reduction of services or change in services for an individual, current services shall

continue to be provided pending final resolution unless an entity under contract with a Clermont County Board of DD terminates the services it is providing that individual in accordance with the terms of its contract with the Clermont County Board of DD.

2. Notwithstanding any other provisions of this policy, the appeal of any action of the Clermont County Board of DD or its employees shall begin at the level in which the decision or action was made.
3. When a complaint involves the action of the Clermont County Board of DD, the request for administrative resolution shall be in writing and shall be filed with the supervisor of the applicable service component of the Clermont County Board of DD. If an individual has difficulty in reading or writing, an oral report may be accepted and documented by the Clermont County Board of DD supervisor receiving the report. An individual who wishes to seek administrative resolution in accordance with this policy may be assisted by an advocate who may speak on behalf of the individual at the individual's request.
  - a. The Clermont County Board of DD supervisor will conduct an investigation of the complaint within ten calendar days of receipt of the request for administrative resolution of the complaint.
  - b. Within ten calendar days of the completion of the investigation, a written report and decision will be completed and discussed with the complainant or individual. Such report shall include a

description of the next step in the administrative resolution process.

- c. Within ten calendar days of receipt of the Clermont County Board of DD supervisor's written decision, the complainant or individual may request administrative review of the supervisor's written decision.
  - d. Timelines may be extended if mutually agreeable to all involved parties.
4. If the complainant or individual wishes an administrative review of the Clermont County Board of DD supervisor's decision, the following shall occur:
- a. A request for administrative review shall be made in writing by the complainant or individual within ten calendar days of receipt of the supervisor's written decision. The request for administrative review of the supervisor's written decision shall be made to the superintendent of the Clermont County Board of DD or his/her designee.
  - b. Upon receipt of a request for administrative review of the supervisor's written decision, the superintendent or his/her designee shall, within ten calendar days, meet with the party initiating the request and conduct an administrative review.
    - (i) During the administrative review, the superintendent or his/her designee may ask questions to clarify and review

the circumstances and facts related to the decision, and provide the party initiating the request the opportunity to present reasons as to why the decision should be reconsidered.

(ii) Within five working days of the administrative review, the superintendent's decision shall be made known, in writing, to the complainant or individual and shall include a rationale for such decision, and a description of the next step in the administrative resolution process.

c. Timelines may be extended if mutually agreeable to all involved parties.

5. If the complainant or individual is not satisfied with the decision of the superintendent, a written appeal may be filed with the Clermont County Board of DD president. The written appeal shall be filed with the Clermont County Board of DD president within ten calendar days of receipt of the superintendent's decision.

a. Upon receipt of a written request to appeal, the Clermont County Board of DD president or his/her designee shall conduct a hearing no sooner than seven calendar days, nor later than the next regularly scheduled board meeting, at a time and place convenient to all parties. The Clermont County Board of DD may hear the case as a full board or the president of the board with concurrence of the board may establish a committee of two or

more board members to hear such appeals. Such a committee shall be vested with the full rights and authorities as the Clermont County Board of DD in handling the appeal.

- b. No less than seven days prior to the hearing, the complainant or individual shall be provided access to Clermont County Board of DD records pertaining to the specifics of the appeal.
- c. The hearing shall be a closed meeting unless the complainant or individual requests an open meeting.
- d. During the hearing, evidence shall be presented by both parties to support their positions.
- e. The complainant or individual shall be afforded the right to be represented by legal counsel. An individual shall further have the right to be represented by such other representative of the party's choice and at the expense of the individual.
- f. The complainant or individual shall be afforded the right to have in attendance and question any official, employee or agent of the Clermont County Board of DD who may have evidence upon which the appeal is based.
- g. The decision of the Clermont County Board of DD shall be based solely upon evidence presented at the hearing.
- h. Evidence presented at the hearing shall be recorded by stenographic means or by use of audio-electronic recording devices as the Clermont County Board of DD determines at the

time of the hearing. Such record shall be made at the expense of the Clermont County Board of DD and, upon request, one copy of the verbatim transcript shall be provided to the complainant or individual at no cost.

- i. In any hearing held under the authority of the Clermont County Board of DD pursuant to this policy, the Clermont County Board of DD may appoint a hearing examiner to conduct said hearing. The hearing examiner shall have the same powers and authority in conducting the hearing as granted to the Clermont County Board of DD. The hearing examiner shall not be an employee of the Clermont County Board of DD. The hearing examiner need not be admitted to the practice of law, but shall be possessed of such qualifications as to be able to render neutral and informed decisions on matters presented in the complaint. The director or his/her designee shall maintain a list of approved hearing examiners which a Clermont County Board of DD may request in order to select a qualified hearing examiner. The Clermont County Board of DD may also request the department to certify a hearing examiner as qualified to hear one or more cases for the Clermont County Board of DD in accordance with the person's experience and educational background.
- j. Within five calendar days of the date the hearing is deemed closed, the hearing examiner shall issue a written report and

recommendation, setting forth findings of fact, conclusions of law, and a recommendation for the disposition of the complaint. The report and recommendation shall be served upon the parties to the hearing by certified mail.

- k. The parties to the hearing may file with the Clermont County Board of DD written objections to the report and recommendation within ten days of receipt of the report and recommendation.
  - l. Within five calendar days of the hearing or within five calendar days following the board's action upon receipt of the hearing examiner's report and any objections thereto, written notification of the Clermont County Board of DD's decision shall be sent by certified mail to the complainant or individual. Such notification shall include a rationale for the Clermont County Board of DD decision and a description of the next step in the process.
  - m. Timelines may be extended if mutually agreeable to all involved parties.
6. The Clermont County Board of DD shall at all times maintain confidentiality concerning the identities of individuals, complainants, witnesses, and other involved parties who provide information unless the individual, in writing, authorizes the release of information.
7. Subject to the limitations of sections 5123.043 of the Revised Code, the administrative resolution process provided by this policy is in addition to any other rights an individual or the parent of minor or guardian may

otherwise have pursuant to the Ohio Revised Code or any other applicable state or federal law.

8. When a complaint has been made against the Clermont County Board of DD and the complaint has been made by an individual involving services or supports provided or arranged by the Clermont County Board of DD for the individual, the individual shall have the right to appeal the decision of the Clermont County Board of DD to the director of the department. The following procedures shall be followed in such appeals to the director:
  - a. The appeal must be filed with the director within fifteen calendar days of receipt of the Clermont County Board of DD's decision. Copies of the appeal letter shall also be sent to the superintendent, the Clermont County Board of DD president, and the legal counsel or other representative of either or both parties.
  - b. Upon receipt of notice of the appeal from the administrative action of the Clermont County Board of DD, the Clermont County Board of DD shall send to the department copies of the verbatim transcript of the hearing with the Clermont County Board of DD, any exhibits incorporated into the transcript, and the Clermont County Board of DD's written decision.
  - c. The director or his/her designee shall review the appeal within thirty calendar days of receipt of the appeal. The Director or his/her designee shall determine if the decision of the Clermont



County Board of DD is based upon applicable statute and/or administrative policy.

- d. Within fourteen calendar days following the department level review, the director's decision shall be made known, in writing, to all affected parties, and shall include a rationale for the decision.
  - e. Timelines may be extended if mutually agreeable to all involved parties.
9. After exhausting the administrative remedies required in this policy, an individual may commence a civil action if the complaint is not settled to his/her satisfaction.
10. After exhausting the administrative remedies required in this policy, if the complaint is not settled to his/her satisfaction, a complainant may either file a complaint with the department as permitted by policy 5123:2-17-01 of the Administrative Code or commence a civil action against the Clermont County Board of DD.

## **219 DODD RECORDS**

All records required by the Ohio Department of Developmental Disabilities shall be kept in the Superintendent's or Superintendent approved designee's office.

## **220 COMMUNITY USE OF BOARD FACILITIES**

The Clermont County Board of Developmental Disabilities permits the use of their facilities by Clermont County community groups. However, some restrictions are

necessary to protect the facilities and equipment owned by the Clermont County Board of Developmental Disabilities.

Full responsibility rests with the group using the facilities to maintain adequate security and to leave the facilities in the same condition as they were before usage.

A. CONDITIONS GOVERNING USE OF FACILITY BY PUBLIC AGENCY OR NON-PROFIT GROUP OR ORGANIZATION (501 C 3 STATUS).

1. An employee of the Board shall be present whenever a building is used by a public agency or non-profit group. Superintendent/Designee will assign personnel.
2. No non-program group shall begin its' activities until programs are completed in the afternoon and the students/clients have left the area.
3. No partisan political activity/event will be permitted in any board owned facility.
4. No group shall, under any circumstances, tamper with any electrical or heating controls. The kitchens shall not be used by any group unless there is an employee of the Board present and prior approval has been given.
5. The Clermont County Board of DD Wildey Center is a non-smoking building and campus. Smoking is not permitted on the property.
6. The Superintendent/Designee reserves the right to require, if he/she should deem it necessary, that groups using the building post a deposit of \$100 to \$500 to cover any damages that might occur to any property,

equipment, or grounds. This deposit shall be returned if all property is deemed intact at the completion of the use of building.

7. The group shall ensure that no third party will be granted permission to use the facility or any portion thereof.
8. The group shall guarantee that activities will be orderly and lawful and not of a nature to incite others to disorder and demonstrate on the application that reasonable security arrangements appropriate for the use have been provided.
9. The group shall ensure that alcoholic beverages are not served or consumed in buildings or on the grounds.
10. The group shall ensure that gambling is not permitted.
11. Food may only be served in areas approved by the Superintendent/Designee.
12. Any group or organization using one of the facilities owned by the Board will be held responsible for any damage incurred while using the building. There will be a ratio of no less than 1 responsible adult for every 5 children participating in an activity.
13. Groups/organizations will be required to inspect the area before using and leave the area in the same condition as it was before it was used.
14. Use of any equipment is prohibited unless specifically listed in the permit and approved by the Superintendent or his/her Designee.
15. No sports activities, other than basketball, will be permitted in the facilities unless approved by Superintendent.

16. User privileges may be revoked at any time for violations of policy rules.
17. Groups or organizations are responsible for maintaining discipline of adults and/or other children on the school grounds waiting for the activity to be over. (i.e. parents and other siblings waiting for activity to be over)
18. In the case of requesting to use the Pool, for recreational or therapeutic activities, a certified Lifeguard must be present at all times. A Lifeguard Certificate must be on file with the Board prior to the event. It is the group/organization's responsibility to secure and pay for the lifeguard. No more than 30 people are permitted with one Lifeguard. Pool Safety Rules will be strictly adhered to.
19. Any group or individual using the facility must be responsible for:
  - a. Providing a program that will promote the welfare of the community and be for community purposes.
  - b. Guaranteeing orderly behavior
  - c. Underwriting any damages due to their use of the premises
  - d. Paying for the use of equipment, property, or grounds at the established rates.

B. CONDITIONS GOVERNING USE OF FACILITY BY ALL OTHER INDIVIDUALS (WITH THE EXCEPTION OF GROUPS FOR THE PURPOSE OF TRAINING AND EMPLOYEE PROFESSIONAL GROWTH USE.)

1. An employee of the Board shall be present whenever a building is used by an individual. Superintendent/Designee will assign Board personnel.

2. No non-program group shall begin its' activities until programs are completed in the afternoon and the students/clients have left the area.
3. No partisan political activity/event will be permitted in any board owned facility.
4. No group shall, under any circumstances, tamper with any electrical or heating controls. The kitchen shall not be used by any group unless there is an employee of the Board present and prior approval has been given.
5. A charge of \$200 for 4 hours or less, or \$300 for over 4 hours may be required and paid in full to the Clermont County Board of DD prior to date of usage. This amount provides for clean up provided by DD personnel.
6. The user shall ensure that no third party will be granted permission to use the facility or any portion thereof.
7. The user shall guarantee that activities will be orderly and lawful and not of a nature to incite others to disorder and demonstrate on the application that reasonable security arrangements appropriate for the use have been provided.
8. The user shall ensure that alcoholic beverages are not served or consumed in buildings or on grounds and that gambling is not permitted.
9. No activity shall occur that is of a moneymaking or profitable nature. (i.e. parties such as Tupperware, Home Interiors, etc.)

10. Food may only be served in areas approved by the Superintendent/Designee.
11. Any individual using one of the facilities owned by the Board will be held responsible for any damage incurred while using the building. There will be a ratio of no less than 1 responsible adult for every 5 children participating in an activity.
12. Groups/organizations will be required to inspect the area before using with board personnel present and leave the area in the same conditions as it was before it was used.
13. Use of any equipment is prohibited unless specifically listed in the permit and approved by the Superintendent or his/her Designee.
14. No sports activities, other than basketball, will be permitted in the facilities unless approved by Superintendent.
15. User privileges may be revoked at any time for violation of policy rules.
16. Users are responsible for maintaining discipline of adults and/or other children on the Board grounds.
17. In the case of requesting to use the Pool, a certified Lifeguard must be present at all times. A Lifeguard Certificate must be on file with the Board prior to the event. It is the group/organizations responsibility to secure and pay for the lifeguard. No more than 30 people are permitted with one Lifeguard. Pool Safety Rules will be strictly adhered to.
18. Any group or individual using the facility must be responsible for:
  - a. Guaranteeing orderly behavior.

- b. Underwriting any damages due to their use of the premises.
- c. Paying for the use of equipment, property, or grounds at the established rates.

#### C. PROCEDURE FOR REQUESTING USE OF FACILITIES

Procedures for requesting use of facilities are subject to change and are available in the Administrative offices.

### **220.1 USE OF BOARD BUILDINGS & GROUNDS OUTSIDE OF REGULAR BUSINESS HOURS**

No person, including but not limited to visitors, employees, volunteers, vendors, contracted persons, employees of a contracted entity, or any other person may be on Board property including buildings and grounds outside of regular business hours without the approval of the Superintendent/Designee.

For purposes of this policy, “regular business hours” includes time spent participating in approved Board activities as well as activities described in Policy 220.

### **221 CALAMITY DAYS**

Weather conditions or other calamities that will prevent the opening of programs will be announced on local radio and television stations and through the “One Call” system. One Call is a recorded message sent to all participants, providers, parents of individuals receiving facility-based services and staff, announcing the closing/delay status of programs. Parents, guardians, and program participants will be given calamity day (program closing) information by methods of handbooks and/or newsletter publications. Stations on which the announcement will be broadcast include but are not limited to:

WLW RADIO

WLW – TV

WUBE – FM RADIO

WCPO – TV

WKRQ – FM RADIO

WKRC – TV

WKRC RADIO

WXIX – TV

WCKY RADIO

Employees may be required to report to their designated work areas on days the weather conditions prohibit the transportation of students to school. The Superintendent will determine if a sufficient emergency exists to warrant the closing of the program.

## **222 ACCESSIBILITY**

It is the policy of the Clermont Board of Developmental Disabilities to provide and promote a total environment accessible to all persons with disabilities. To accomplish this, the following ongoing plan of action is hereby adopted:

### **222.01 MAINTENANCE OF ARCHITECTURAL ACCESSIBILITY**

There will be monthly monitoring by a safety committee in the Wildey building operated by the Clermont County Board of Developmental Disabilities. There will also be modifications and adaptations at workstations within the facility and on any job sites supervised by Clermont County Board of Developmental Disabilities personnel. There will



be a posting of universal access signs and any of the facilities will be modified on an ongoing basis to meet the needs of changing client and student populations.

**222.02 PROMOTION OF PROGRAM SERVICE ACCESSIBILITY**

There will be regular involvement of persons served in his/her own program planning and decision making. Guardians, parents and/or significant others will be involved as appropriate. The Clermont County Board of Developmental Disabilities agrees to provide advocacy with and for all persons served, both within and outside of the organization. The board is committed to an active and extensive grievance and appeal procedure described completely in Board Policy, and the board agrees to continue to solicit and access funding for various target groups served by the Clermont County Board of Developmental Disabilities

**222.03 PROMOTION OR RECRUITMENT OF PERSONS WITH DISABILITIES**

Clermont County Board of Developmental Disabilities is an Equal Employment Opportunity employer who actively seeks out applicants with disabilities for employment, board membership and as volunteers. Modification, adaptation, and accommodation of workstations will be made as appropriate and needed. (See Section 233)

**222.04 PROMOTION OF SOCIAL AND ECONOMIC OPPORTUNITIES IN A COMMUNITY**

The Clermont County Board of DD and its staff, agrees and commits to active involvement with agencies and organizations concerned with persons with disabilities. The Board commits to an active public awareness program advocating for the needs and abilities of

all persons with disabilities, and agrees to maintain acceptable quality level of all work performed for business and industry by workers with disabilities served through their programs. The fund raising efforts and commercial marketing procedures will be directed toward sound business practice rather than pity for persons with disabilities.

## **223 INPUT FROM PERSONS SERVED**

It is the policy of the Clermont County Board of Developmental Disabilities to secure input from persons served both to further their independence and to improve the quality of the agency services. To accomplish this policy the following system is established:

### **223.01 RIGHT TO INPUT**

Each person being considered for service or being served has the right to design the goals of his/her own program plan and to accept or reject the services offered by the Clermont County Board of Developmental Disabilities. All persons served have the right to expect that their Service and Support Administrators, program managers and other staff as appropriate will function as advocates for their individual needs and rights, both within and outside of the Clermont County Board of Developmental Disabilities. Each person served has a right to appeal any decision directly affecting him or her or indirectly affecting all persons served by the Clermont County Board of Developmental Disabilities through the Agency Due Process and/or grievance procedure.

Each person who leaves the Clermont County Board of Developmental Disabilities, for whatever reason, has the right to expect follow-up contact to be maintained with him or

her for the length of time determined during their exit planning and to aid him or her to maintain or improve his or her current situation. All persons served by Clermont County Board of Developmental Disabilities have the opportunity to meet as a group with the Superintendent or his/her Designee to discuss areas of mutual concern and in addition the Superintendent maintains an open door policy to all areas of individual concern.

**223.02 PROCEDURES ARE MADE AVAILABLE TO PERSONS SERVED AT LEAST ANNUALLY.**

**223.03 USE OF INPUT**

The Clermont County Board of Developmental Disabilities' Outcomes Management system contains provision for aggregation of data regarding progress of those still receiving services, measures of consumer satisfaction, follow-up data regarding outcomes of persons served and other additional information as deemed appropriate by the board. All input or concerns received from persons served through counseling, grievance procedures, and contacts with the Superintendent are logged and as appropriate, dealt with or maintained for future action. The Clermont County Board of DD may establish a committee to review the result of the outcomes management data and meet as required.

**223.04 TYPES OF INPUT SOUGHT FROM PERSONS SERVED**

The Clermont County Board of Developmental Disabilities is interested in input from persons served regarding help in agency program planning, concerns regarding safety, concerns regarding physical facilities, concerns regarding program needs including types

of services, scheduling etc., and the work needs and ideas for jobs to be done by sheltered employees and other persons served. Additional input regarding work rules, fringe benefits and future planning for the agency will be sought from persons served each year.

## **224 OUTCOME MEASUREMENT/PROGRAM EVALUATION**

The Clermont County Board of Developmental Disabilities is committed to measuring the outcomes of all programs offered by the board, including outcomes describing effectiveness, efficiency, access and satisfaction of all people served. Outcome evaluation information is gathered in several ways. Annually an information survey is sent to the community to garner information regarding proposed new services, expansion or modification of existing services.

Every year, by December, the Board will hold a public hearing to allow for additional community input.

Every year the Clermont County Board of Developmental Disabilities publishes an Annual Outcomes Management Report describing the agencies significant efforts over the prior year. Additional information regarding the agencies planning process is available through press releases, the monthly newsletter, and the agency brochures describing services.

The information garnered from the various surveys will be used to do the organizational planning and the budgeting and is committed to reflecting specific program needs. Additionally, the agency commits to using the individuals' satisfaction surveys to drive participants' programs and particular attention will be made toward identifying through the survey the most appropriate goals and supports for each participant. The accumulated

data derived from the input and planning process is reviewed by the Board of Directors, the Superintendent, and Administrative staff personnel regularly; appropriate action is taken and communicated to those concerned.

## **225 LEGAL REQUIREMENTS**

The Clermont County Board of Developmental Disabilities conforms to all legal and statutory requirements which it is mandated to follow. This includes, but is not limited to:

1. Ohio Revised Code Chapter 5123, 5126, 3323 and all amendments to the aforementioned;
2. Federal Medicaid Rules and Regulations;
3. Appropriate Ohio Administrative Code as determined by the Ohio Department of Developmental Disabilities; and
4. Appropriate and applicable county and local requirements

A single confidential record is maintained for each client served and access to the file is in accordance with applicable laws and Board Policy. The Board has established a policy and procedure for any client to obtain access to his/her file. Informed consent is obtained and documented in accordance with appropriate legal requirements as well as Board Policy. All confidential information is released only with the approval of the client, his or her legal representative and/or under those instances mandated by law. Released confidential information is limited to only that which is specified and necessary.

Any and all medications shall be administered only in accordance within appropriate medical guidelines by trained personnel. Medications shall be stored in such a manner that unauthorized use is prohibited.

All transportation is provided only by those individuals who have current and valid licenses for the vehicle use. Third party transportation providers are required to use only properly licensed and trained individuals, meet or exceed all legal requirements and provide sufficient and appropriate insurance.

Specifics can be found within other sections of the Clermont County Board of Developmental Disabilities Policy and Procedure Manual where appropriate.

## **226 ORGANIZATION'S POLICY ON RIGHTS, HEALTH AND SAFETY**

It is the Clermont County Board of Developmental Disabilities mission to protect and promote the rights of all persons served. Specifics regarding Behavior Support Policies are to be found in Section 1300 of the Policy Manual.

Specifics regarding Program Participant Health Policy and Occupational Safety and Health Policies are to be found in Sections 1600 and 1700 of the Clermont County Board Policy Manual.

Persons and/or guardians will be notified in their native language, upon request, that they have a right to be provided a copy of the data used in making decisions affecting their enrollment, referral, educational, habilitative, and/or health related services. They will also be notified that they may only view information regarding themselves or their ward.

## **227 WEAPONS**

### A. Purpose

The Clermont Board of Developmental Disabilities ("Board") is committed to providing a safe and secure environment for its employees, visitors, and consumers. Pursuant

to Ohio law including Senate Bill 199 (S.B. 199), the Board is required to take certain actions and post certain notices with respect to the carrying of concealed weapons. In compliance with that law, and in furtherance of the County Board's commitment to safety, it hereby adopts the following policies and procedures:

B. Policy:

All persons, including employees, volunteers, individuals supported by the Board, or visitors shall comply with (S.B. 199) in all aspects including transporting and storing a firearm or ammunition. According to (S.B. 199) a person who has been issued a valid concealed handgun license (CHL) must meet both conditions when transporting or storing a firearm or ammunition while on Board property or while engaged in business for the Board.

1. Each firearm and all of the ammunition remains inside the person's privately owned motor vehicle while the person is physically present inside the motor vehicle, or each firearm and all of the ammunition is locked within the trunk, glove box, or other enclosed compartment or container within or on the person's privately owned motor vehicle.
2. The vehicle is in a location where it is otherwise permitted to be.

C. Procedures:

1. No person, except law enforcement officers acting in the scope of their official duty, shall possess, have under their control, convey, or attempt to convey a deadly weapon or dangerous ordnance in a school safety zone. The "school safety zone" consists of the entire building where the Board conducts special education or preschool education, instruction,

training or extra-curricular activities, as well as all real property (land) owned, leased or controlled by the Board where those buildings are situated. "School Safety Zone" also includes any place where the Board conducts special education or preschool extra-curricular activities. This prohibition applies whether or not education, training, instruction or activities are actually in progress.

In accordance with R.C. §§2923.122 and 2923.1212, the following language shall be posted at the entrance of every Board-owned building and at the entrance to the portion of any building, which is not owned by the Board but is leased by the County/Board, that lie within a "school safety zone" as defined by law:

"Unless otherwise authorized by law, pursuant to Ohio Revised Code Section 2923.122, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance into a school safety zone."

2. No person, except law enforcement officers acting in the scope of their official duty, shall possess, have under their control, convey or attempt to convey a deadly weapon or dangerous ordnance into any building owned, leased or controlled by the Board.

In accordance with R.C. §2923.1212, the following language shall be posted at the entrance of every Board-owned building and at the



entrance to the portion of any building, which is not owned by the Board but is leased by the County/Board:

“Unless otherwise authorized by law, pursuant to Ohio Revised Code, no person shall knowingly possess, have under the person’s control, convey or attempt to convey a deadly weapon or dangerous ordnance onto these premises.”

3. No person shall have a deadly weapon or dangerous ordinance in any vehicle leased or owned by the Board.
4. An individual served by the Board cannot be transported in a vehicle if a weapon is in the vehicle.
5. No employee, contractor or agent of the Board shall violate any of the above prohibitions. Employee’s, contractors, or agents of the Board may not handle firearms on Board property except to secure the firearm in a locked truck, glove box, or other enclosed compartment or container in their vehicle.
6. Failure to comply with these policies by non-employees will be subject to criminal prosecution.
7. Employees who violate any of the above policies are subject to criminal prosecution and may be subject to discipline up to and including discharge.
8. Any person witnessing a violation or potential violation of any of these policies is encouraged to report the violation to the Superintendent

and/or notify appropriate law enforcement personnel. Employees are required to report violations or potential violations.

## **228 RIGHTS POLICY**

The Rights of Ohio citizens with Developmental Disabilities were established in legislation that was passed by the Ohio Legislature in 1986.

The rights can best be summarized in the following two statements:

- Professionals have a responsibility to ensure the health, safety, and welfare of the individuals they support.
- Individuals have the right to self-determine to choose their own lifestyle.

Examples of ensuring individuals' health, safety, and welfare, include: seeing that individuals receive the medical care and therapies they need; providing supports with the person's safety and dignity as top priorities, treating individuals with courtesy, respect, and dignity; handling every individual's information confidentially; and supporting individual's in voicing grievances and concerns. Additionally, professionals should ensure individuals are free from abuse and neglect; living in safe and clean homes; and are safe at work and in their community.

Examples of supporting the individuals' right to choose include ensuring that individuals are involved in decisions that affect their lives. Professionals can support these efforts by supporting individuals in: seeing the people they want to see; doing the things they want to do, learning the things they want to know; spending their money on things they choose; deciding how they will express their creativity, productivity and spirituality; and taking part in the political process (if they choose).

**The Rights as they appear in Ohio Statute reorganized to group various rights into common themes.**

Health, Safety and Welfare Rights

Emotional Well-Being

- The right to be treated at all times with courtesy and respect and with full recognition of their dignity and individuality.
- The right to be free from emotional, psychological, and physical abuse.

Confidentiality/Grievances

- The right to confidential treatment of all information in their personal and medical records, except to the extent that disclosure or release of records is permitted under the federal HIPAA regulations and/or Ohio Revised Code.

Physical Safety and Well Being

- The right to an appropriate, safe and sanitary living environment that complies with local, state and federal standards and recognizes the person's need for privacy and independence.
- The right to food adequate to meet accepted standards of nutrition.
- The right of timely access to appropriate medical or dental treatment.
- The right of access to necessary ancillary services, including, but no limited to, occupational therapy, physical therapy, speech therapy, and behavior support and other psychological services.
- The right to be free from emotional, psychological, and physical abuse.

Behavior Support

- The right to receive appropriate care and treatment in the least intrusive manner.

- The right to be free from unnecessary chemical or physical restraints.

#### Life Choices

- The right to participate in decisions that affect their lives.
- The right to select a parent or advocate to act on their behalf.
- The right to refuse to participate in medical, psychological, or other research experiments.

#### Social Interaction

- The right to privacy, including both periods of privacy and places of privacy.
- The right to communicate freely with persons of their choice in any reasonable manner they choose.
- The right to social interaction with members of either sex.

#### Growth and Development

- The right of access to opportunities that enable individuals to develop their full human potential.
- The right to participate in appropriate programs of education, training, social development, and habilitation and in programs of reasonable recreation.

#### Citizenship

- The right to practice the religion of their choice or to abstain from the practice of religion.
- The right to be treated equally as citizens under the law.
- The right to participate in the political process.

#### Personal Property/Money

- The right to ownership and use of personal possessions so as to maintain individuality and personal dignity.
- The right to pursue vocational opportunities that will promote and enhance economic independence.
- The right to manage their personal financial affairs based on individual ability to do so.

#### Medication Administration

- The right for individuals who can safely do so, to self-administer or to receive assistance with the self-administration of medication. An assessment must first be conducted to determine the individual's ability in this regard.

#### Right to Choose

##### Choice vs. Health and Safety

There are times, in supporting individuals, that the individual's right to choose may conflict with a professional's responsibility to ensure his/her health, safety, and welfare. For example, an individual with emphysema and a serious heart condition may choose to keep smoking. These situations have to be decided on an individual case-by-case basis by the team working with the individual.

There are three principles to defer to when making right to choose decisions: Health and safety takes precedence over choice; Dignity of risk; Self-Awareness of a professional's personal values and beliefs.

#### **Rights Education and Complaint of Rights Violations**

The best safeguard for protecting the rights of individuals is for the individual to understand their rights and know what to do if they think their rights have been violated.

Ohio law requires that individuals receive training about their rights. An annual review of rights is required by law. Each department within the agency has developed a formal process for educating the individuals it serves both initially and annually thereafter. In addition, the departments share the process for raising a formal complaint, if necessary. If an individual or personal representative wants to file a complaint, he or she may appeal the decision following the due process procedure.

Allegations of rights violations may also be reported to Disability Rights Ohio.

### **Confidentiality**

The confidentiality of individuals' information is protected by Board Policy, Ohio DD Law, Ohio Education Law, Federal Education Law and Federal HIPAA Regulations.

Individuals have the right to have information about them kept private. This is true regardless of how the information is stored or shared. Individuals, legal guardians, and parents of minors also have the right to access and review information in the individual's case file.

### **229 REFRESHMENTS**

The Clermont County Board of Developmental Disabilities adopts the following Refreshment Policy:

Whereas, The Ohio Attorney General has previously determined in Opinion 82-006 that the expenditure of public funds for coffee, meals, refreshments and other related amenities may be undertaken but only pursuant to a legislative decision memorialized by an enacted resolution finding that the expenditure satisfies an appropriate public purpose and is prospective in nature; and

Whereas, The State Auditor has issued a bulletin finding that the appropriate legislative authority has the power to establish a meal and refreshment policy and that future audits will determine whether or not the above described procedure has been followed with respect to expenditures for these purposes; and

Whereas, The Clermont County Board of Developmental Disabilities has consulted with the Office of the Prosecuting Attorney with respect to the appropriate action in order to preserve the legitimacy of such expenditures.

#### Section I

That the Clermont County Board of Developmental Disabilities has reviewed the policies and procedures of the programs under its direct supervision and control to determine which programs, if any, justify the expenditures of public funds for refreshments in connection with activities related to the Clermont County Board of Developmental Disabilities, and

#### Section II

That the attached list of activities designated Exhibit A is hereby incorporated herein by reference.

#### Section III

That the Clermont County Board of Developmental Disabilities hereby finds after specific review of the activities specified in Exhibit A, that the special activities as set forth in many cases require the gathering of the Board's personnel who are located in different physical locations and these gatherings facilitate contact among the various employees and the provision of the refreshments for these activities which further the public interest and the health, safety, and welfare of the citizens of Clermont County is

an appropriate and necessary public purpose and that the provision of refreshments during these activities is likewise found by the Clermont County Board of Developmental Disabilities to be a legitimate public purpose.

Clermont County Board of Developmental Disabilities

Refreshment Policy

**Exhibit A**

Staff in Service

Board Meetings

Employee Recognition Dinner

Stakeholder Recognition Dinner for Nominees

Reception for Retiree