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OHIO LOCAL UPDATE OVERVIEW FOR THE BOARD

VOLUME 41 NUMBER 2

JANUARY 2023

BYLAWS AND POLICIES

Bylaw 0131.1 - Technical Corrections (Revised)

Bylaw 0131.01 recognizes limited circumstances when a board of education may circumvent regular policy adoption procedures to make minor corrections to policies. Because boards do not follow formal reading and adoption procedures for technical corrections, they are limited to minor, non-substantive changes like formatting. With this update, the bylaw now includes an additional option that allows boards to use the technical corrections process to update names of individuals who serve as District compliance officers, provided that the positions or titles of designated compliance officers remain the same. The change makes it easier for districts that elect to include specific staff names in policies and guidelines to make updates more quickly when staff change positions, leave or join the district. Designating a different position or title to serve as a compliance officer is more substantive and would require formal adoption procedures.

This revised bylaw is offered for consideration.

Bylaw 0164 - Technical Corrections (Revised)

The revised bylaw provides structure and procedure for meeting records commission requirements. Adoption is recommended.

Policy 2114 - Meeting State Performance Indicators (Revised)

The General Assembly passed House Bill 82 in June 2021, and the bill was signed by the Governor a few weeks later. HB 82, which took effect on September 30, 2021, changed the state's school performance and accountability system by removing the grades of A-F from report cards, and replacing the letter grades with a new five-star rating system. Schools and districts under the new system receive 1 to 5 stars for report card components including achievement, progress, gap closing, early literacy, and graduation, with a score of "5" being the highest achievable. The policy continues to recognize a goal of earning performance scores of 5 stars in all assessed areas.

This revision reflects the current status of state performance ratings and should be adopted.

Policy 2271 - College Credit Plus Program (Revised)

House Bill 554 was passed during the lame-duck session in late December 2022 and signed by the Governor on January 5th, 2023. Among other education-related changes, HB 554 requires all secondary schools and colleges that participate in college credit plus to either permit students of military families to complete any remaining coursework online, or alternatively withdraw from a college credit plus course without any academic or financial penalties when they withdraw from school because a parent is issued a permanent change of station order out of the state to change from one military installation to another.

The policy and administrative guidelines have been updated to incorporate this recent change and should be adopted to maintain accurate policies.

Policy 2412 - Homebound Instruction Program (New)

This policy was revised to reflect the statutory requirements pertaining to the provision of homebound instruction – i.e., the basis for providing five hours of instruction per week.

This revised policy is consistent with current state law should be adopted.

Policy 3120.09/4120.09 - Volunteers (Rescind)

Policy 8120 - Volunteers (New)

Policies 3120.09 and 4120.09 which cover the use of volunteers in school programming have both been deleted and replaced by one policy that has been placed in the 8000 series. Much of the content remains the same. The change to a different series recognizes that volunteers are not considered employees of the district, but rather function more to support general district operations. However, in addition to moving the policy's location, new language has been added to address requirements for volunteers who support athletic activities. Under the Ohio High School Athletic Association General Regulations, all coaches whether paid or unpaid must hold an active Pupil Activity Permit to coach in any OHSAA member school athletics for grades 7-12. If an individual has applied for but has not yet been issued a permit by ODE, the regulation states that they are not allowed to interact with athletes even while under the supervision of credentialed coaches until the permit is issued. School districts may also elect to require unpaid volunteers who coach or supervise any other extracurricular activities including club sports to obtain a permit, which ensures that they have not only completed background checks and been vetted by the ODE, but also have completed safety training such as first aid and sudden cardiac arrest training. This might provide some additional safety response support as well as liability protection. School districts should keep in mind that this policy governs unpaid volunteers. Teaching and nonteaching employees who receive supplemental contracts/stipends to supervise extracurricular activities are covered by other policies.

The revisions to this policy are offered for consideration.

Policy 5310 - Health Services (Revised)

This policy has been updated to reflect current state law pertaining to assessing a student for a concussion or head injury during a school activity (e.g., physical education class, or athletic practice or competition) because the student is exhibiting signs, symptoms, or behaviors consistent with a concussion or head injury. The document further addresses the nature of the assessment that must be conducted to clear a student to return to an activity after having been removed.

This updated policy should be adopted.

Policy 5460 - Graduation Requirements (Revised)

Over the past few years, it seems like Ohio schools and students have had to constantly adjust to changing graduation requirements, thanks in large part to several enacted laws as well as a worldwide pandemic. Beginning with the class of 2023, graduation requirements will finally adjust to the "2023 and Beyond" requirements, which will hopefully remain more stable in the long term. In addition to deleting language related to prior standards, the policy now provides more details that apply to the competency and readiness requirements, including alternatives to demonstrate competency for students who do not pass the ELA and Algebra tests, as well as a comprehensive list of state and local seals that are available for students to show readiness for graduation. Information gathered from recently released ODE guidance has been included throughout.

These revisions reflect current Ohio law and should be adopted to maintain accurate policies.

Policy 5610 - Removal, Suspension, Expulsion, and Permanent Exclusion of Students (Revised)

This policy has been revised to reflect specific language in Ohio Revised Code 3313.66(J), which requires a school district to “offer an opportunity for a hearing” before temporarily denying admittance to any pupil who has been suspended or expelled from the schools of another district. Under the statute, the district can decide to honor the previously imposed suspension or expulsion, after the district holds a hearing. While existing Policy 5610 correctly reflects the statute related to students who have been expelled, the policy provides that the hearing related to a student who has been suspended has to be before the board of education. While the district can elect to have the hearing before the board, it is not required, so that language has been removed from the updated version.

These revisions reflect current Ohio law and should be adopted to maintain accurate policies.

Policy 6325 - Procurement - Federal Grants/Funds (Revised)

A minor adjustment has been made to policy 6325, specifically to recognize that not all federal grant contracts are subject to the Davis-Bacon Act (“DBA”). The DBA typically applies to any federally-funded contract in excess of \$2,000 for the construction, alteration, or repair of public buildings or public works, and requires payment of prevailing wages for workers who provide services under the contracts. However, there are some instances in which the DBA does not apply, and the change made to policy 6325 clarifies this. School districts should review the specific terms of federal grants that might be used for construction-related projects and consult with legal counsel before determining whether the DBA applies to a contract or not. This revision reflects the latest provisions issued in the OMB Compliance supplement and the provisions of Appendix II to 2 C.F.R. Part 200.

This revision reflects current EDGAR provisions and should be adopted to maintain accurate policies.

Policy 8390 - Animals on District Property (Revised)

This policy has been revised at the request of clients wanting to provide some structured options regarding therapy/comfort animals. Note: Neola does not recommend including such animals, given the liabilities and complexities of such approval. However, given the widespread nature of the request, optional language providing structure to such approval is offered for use at the discretion of client districts. It is strongly recommended that such a provision be thoroughly explored with the district's legal counsel and authorization sought from the Board.

Policy 8400 - School Safety (Revised)

This policy has been updated to reflect current state law and best practices. In particular, the document reflects changes enacted by House Bill 123, which was adopted in 2021 and comes into full effect and enforcement in 2023, including the requirement for district to have a trained threat assessment team in place in each school building that serves students in grades 6-12. HB 123 also places responsibility for school safety under the Ohio Department of Public Safety instead of the Ohio Department of Education. This policy/AG is also consistent with the Model Threat Assessment Plan that was released in September 2022.

These revisions are consistent with current state law and should be adopted.

Policy 8420 - Emergency Situations at Schools (Revised)

This policy and corresponding AGs have been updated to reflect current state law and best practices, including language from new Ohio Administrative Code Section 4501:5-1-01, which pertains to school safety. AG 8420 also includes new language to address the needs of certain students with special needs when it comes to emergency situations. AG 8420A is updated to include the latest definition of a Tornado Watch. Finally, the basis for proposed optional language is explained in Policy 8420.

These revisions are consistent with current state law and should be adopted.

Policy 8462 - Student Abuse and Neglect (Revised)

This policy has been revised to include the provisions of SB 288, passed during the lame-duck legislative session when the General Assembly passed an omnibus criminal justice bill named Erin’s law. The bill was signed by the Governor on January 3rd, 2023 and requires school districts to include age-appropriate training to K-12 students on child sex abuse prevention. Schools must also provide training to staff regarding sex abuse that is presented by either a prosecutor or law enforcement officers who have experience handling cases of child sex abuse. The staff training is to occur along with other required trainings for topics such as school safety and violence prevention.

These revisions reflect current Ohio law and should be adopted to maintain accurate policies.

VOLUME 41 NUMBER 2 - TECHNOLOGY UPDATE

JANUARY 2023

POLICIES

These policies and corresponding administrative guidelines have been updated to reflect changes that have occurred in the area since many of the documents were last updated in 2017 and 2018, including the recent release of ChatGPT (see Policies and AGs 7540.03 and 7540.04, which now include a fairly extensive discussion of artificial intelligence and natural language processing tools).

These revised documents are recommended but not required.

Policy 7540 – Technology (Revised)

Policy 7540.01 - Technology Privacy (Revised)

Policy 7540.02 – Web Accessibility, Content, Apps, and Services (Revised)

This policy has been updated to reflect best practices and the evolving state of the law related to website accessibility based on the Americans with Disabilities Action (ADA). While the Department of Justice and the U.S. Department of Education Office for Civil Rights (OCR) have not formally adopted regulations pertaining to website accessibility for public entities, including public schools, they continue to publicize the need for public entities' websites to be accessible to individuals with disabilities in order to comply with the ADA and/or Section 504 of the Rehabilitation Act of 1973. Additionally, the OCR continues to find districts out of compliance with the law and to enter into resolution agreements to bring the offending district's websites into an acceptable state of accessibility. The proposed revised documents are recommended but not required.

Policy 7540.03 - Student Technology Acceptable Use and Safety (Replacement)

Policy 7540.04 - Staff Technology Acceptable Use and Safety (Replacement)

Policy 8300 - Continuity of Organizational Operations Plan (Revised)

Policy 8305 - Information Security (Revised)

Policy 8315 - Information Management (Revised)

Policy 9700.01 - Advertising and Commercial Activities (Revised)

This policy has been updated to incorporate optional language pertaining to advertising that is posted/published on the district's website. The policy now offers guidance concerning the appropriate content of advertising when it is not feasible for the advertisement to be reviewed and approved by the Superintendent prior to it running on the district's website.

The optional language is offered to address the situation posed by website advertising associated with vendors such as VNN (i.e., "The Home of High School Sports Communities"). Such advertising represents a form of "media-based electronic advertising" under the category of "Direct Advertising/Appropriation of Space." While the legal issues presented by such arrangements represent more of a contracting issue for boards of education as opposed to a policy one (e.g., boards of education should verify that their contracts with such vendors expressly address the type of advertising that will be permitted to run on such sites, which a user can link to from the district's website – in particular, the contracts should require compliance with the General Advertising Guidelines outlined in Policy 9700.01, including Paragraphs D, E, F, G, H, and K), the optional language offered in Paragraphs I and N affirms that it is not feasible to expect the district to review each advertisement in advance for age-appropriateness or for the superintendent to screen all advertising.

These revisions are recommended but not required.

VOLUME 41, NUMBER 2 - PREVENTION OF TOBACCO USE

JANUARY 2023

Publication of this Special Release is in response to recent client requests for policy language that was compatible with the Ohio Department of Health's (ODH) Tobacco Use Prevention and Cessation Program initiative. A number of the options provided in the policies have been adapted from the ODH 100% Tobacco-Free Schools Model Policy.

This Special Release includes:

POLICIES

Policy 1615 - Use of Tobacco by Administrators (Revised)

Policy 3215 - Use of Tobacco by Professional Staff (Revised)

Policy 4215 - Use of Tobacco by Classified Staff (Revised)

Policy 5512 - Use of Tobacco (Revised)

Policy 7434 - Use of Tobacco on School Premises (Revised)

Policy 9160 - Public Attendance at School Events (Revised)

ODH Tobacco and Nicotine Recovery Resources

Ohio has a variety of cost-free, evidenced-best resources to support current nicotine users (cigarettes, smokeless, e-cigarettes, etc.) in their quit journey. For additional information or questions, contact tobaccoprevention@odh.ohio.gov.

Youth Cessation Program and Opportunities for Schools

- **Ohio Tobacco Quitline's *The My Life, My Quit*.** Youth can text "Start my Quit" to 36072 or call **855-891-9989** or they can visit mylifemyquit.com. The program may be experienced entirely through chat/text or also by phone and is cost-free to the participant.
- **BecomeAnEx, This Is Quitting, the EXProgram** (Truth Initiative). The new e-cigarette quit program will deliver tailored messages via text that give age-appropriate advice for quitters aged thirteen (13) and older, including information about nicotine replacement therapy. <http://www.truthinitiative.org/quitecigarettes?ga=2.113229312.527013495.1553792084-1934443220.1523621237>
- **N-O-T on tobacco** (American Lung Association). Not On Tobacco (N-O-T) is the American Lung Association's (ALA's) voluntary program for teens who want to quit smoking. It is the most researched, most widely used, and most successful such program in the United States. <http://www.youthtobacco cessation.org/resources/programs.html>
- **INDEPTH Curriculum** Convenient alternative to suspension that helps schools address teen tobacco use in a more supportive way. <https://www.lung.org/quit-smoking/helping-teens-quit/indepth>
- **Healthy Futures Curriculum** An alternative to suspension program offering a flexible 1-, 2- or 4-hour online curriculum with activities and interactive materials that provide secondary preventive messages to students caught using e-cigarettes/vapes. <https://med.stanford.edu/tobaccopreventiontoolkit-old/curriculums/HealthyFutures.html>

A Message from the Ohio Department of Health

The Ohio Department of Health (ODH) is committed to providing technical assistance to schools who are interested in pursuing 100% tobacco-free policies as a best practice to prevent tobacco use among youth, address youth e-cigarette usage, and create an environment supportive of quit attempts among youth who smoke. Annually, the Tobacco Use Prevention and Cessation program reviews each school district's policy against model policy language. Currently, due to changes in Ohio's state law and in product availability and use, the model policy is being updated to reflect definitional changes and recommended changes to student discipline. Over the course of the next year, an updated toolkit will be shared with schools and ODH and partners will provide training about the new language changes. These changes will necessitate rescoring of the current school policies to incorporate changes to the policy language. New scoring will not begin until January of 2024, in order to give school districts time to evaluate and change policies, if they choose. Efforts have been made to align the new model language with the NEOLA's optional policy templates.