

ISSUES SCHOOLS AVOID BUT MUST ADDRESS

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Overview

- 10 common, difficult questions
- Legal Counsel – Attorneys
- Practical Advice – Education Professionals
- What your Board should do now



Protecting Board Members and Administrators

[video]



Protecting Board Members and Administrators

- Legal Counsel
 - Cease and Desist Letter
 - Obstructing Official Business
 - Intimidation
 - Limit Participation at Board Meetings
 - Contact Police
 - Civil Stalking Order





Protecting Board Members and Administrators




- Practical Response:
 - When to intervene
 - Dealing with “problem” community members
- What your Board should do now:
 - Review Meeting Participation Policies
 - Discuss Strategies with Board





Drug Use at School




Several members of the community tell you that drug use is prevalent at the school. What is the school doing to address this?

Drug Use at School

- Legal "Tools" for Searching...must be done *legally*

Tool	Policy Component	Prevalence in Schools	Legal Complexity
Sniff/Dog Search	Recommended	Relatively Common	Medium
Locker Search	Required – Ohio Law	Common	Medium
Bag/Desk Search	Recommended	Common	Medium
Random Drug Test	Required	Uncommon	High
Pre-Activity Test	Recommended	Common	Low
Steroids Notice	N/A	Mandatory	Low
Search of Person	Recommended	Common	High
Discipline	Required	Mandatory	Medium

Drug Use at School

- Practical Considerations:
 - Use of Dog Sniffing
 - Effectiveness of Different Tools
 - Involving Police
- What your Board should do now:
 - Review policies for effectiveness
 - Consider new tools







Ohio Ethics Law – Accepting Vendor Gifts

[video]







Ohio Ethics Law – Accepting Vendor Gifts

- Legal Counsel:
 - Ohio Ethics Law
 - Investigatory Process
 - Self-Reporting





Ohio Ethics Law – Accepting Vendor Gifts




- Practical Advice:
 - Vet Potential Conflicts
 - Self-reporting
- What your Board should do now:
 - Contact Counsel *before* engaging in
 - Review training





Accepting Out-of-District Students

When does a district enroll 'out-of-district' student tuition free or with a waiver?

Accepting Out-of-District Students

- Legal Counsel:

Enrollment Basis		Duration
Interdistrict Open Enrollment	Optional - Policy Required	
Married / Emancipated	Shall enroll	N/A
Military Service Family	Shall enroll	N/A
Custody Proceedings	May enroll*	60 days
Parent moves after October 1	Optional - Policy Required	Rest of school year
U.S. senior – parent moves	Board Approval / Policy	Rest of school year
Parent Dies	May continue to enroll	Rest of school year
Resides with Grandparent	Board approval	Agreement
Grandparent Caretaker / POA	Shall enroll	One year or less
Exchange Students	Optional Policy / Board Approval	Varies
Parent Works in district	Optional - Policy Required	
Special Education	Varies	Varies



Accepting Out-of-District Students

- Practical Advice:

- Costs/Benefits of open enrollment
- Handling unique enrollment situations

- What your Board should do now:

- Review its “out-of-district” enrollment policies
- Discuss potential changes



Responding to Media Inquiries

[video]



Responding to Media Inquiries

- Legal Counsel:
 - Avoiding “no comment”
 - Defamation
 - FERPA / Privacy
 - Developing communication team
 - Identifying reporter deadlines
 - Providing “first” response



Responding to Media Inquiries

- Practical Advice:
 - Developing one voice
 - Challenges
- What your Board needs to do:
 - Review Communication strategy
 - Have Board, legal counsel, and administration



Responding to Media Inquiries

[Second Video]



E-Mail as Public Record / Open Meeting?

Board Members often seek to communicate via email. Emails allow discussion and exchange of ideas. But are emails a public record?



E-Mail as Public Record / Open Meeting?

- Legal Counsel:
 - Elements of a Public Record
 - Private Email Accounts
 - Attorney/Client Privilege
 - Open Meeting?




E-Mail as Public Record / Open Meeting?

- Practical Advice:
 - Effectiveness of Email Chains
 - Methods to Communicate
- What your Board should do now:
 - Discuss practices for Emails
 - Ensure emails are kept






Board Member Pay

- Altruistic School District's Board Members are earning \$50/meeting. While they are serving on the Board for the right reasons, it is understood that most District Board Members are earning more and the law allows for increases.



How can the Board address this?

Board Member Pay

- Legal Counsel:
 - General Law
 - Thoughtful Drafting Language
 - Effective Dates





Board Member Pay

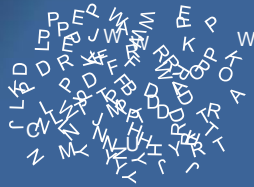
- Practical Considerations:
 - Transparency in the Effective Date
 - When during the year will you adopt?
- What your Board should do now:
 - Identify Board Pay
 - Is it time to address?





Understanding Special Education – Alphabet Soup

[video]



Understanding Special Education – Alphabet Soup

- Legal Counsel / Practice Advice:
 - Difference between 504 & IEP
 - What a Board needs to know




Understanding Special Education – Alphabet Soup

- What your Board needs to do:
 - Acronym list
 - Ask questions



Booster Club Funding

Sports booster club wants to supplement a coach's salary. Can the Booster club pay for the coach's salary or supplement his salary? What about requiring that the gift be for his salary?




Booster Club Funding

- Legal Counsel:
 - Districts must retain discretion
 - OHSAA Policies
- Practical Counsel:
 - Working with Booster Clubs






Transgender Students

A Student comes to you and indicates that he is transgender. He wants to be called by a different name and wants to know what bathrooms he may use.



Transgender Students

- Understanding Terms
 - Transsexual
 - Transgender
 - Gender Identity
 - Transitioning






Transgender Students

- Legal Counsel
 - Employees
 - Students



Transgender Students

- Practical Response
 - Work with Students and Family
 - Training Staff
 - Consistent Application
- What your Board should do now:
 - Develop Policies Proactively
 - Work with Legal Counsel



Questions?



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