



# Essential policies for 2017

Kenna S. Haycox  
policy consultant

Ohio School Boards Association  
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# INSTRUCTION AND STUDENTS



# Homeless students

- Every Student Succeeds Act (ESSA) reauthorized McKinney-Vento Homelessness Assistance Act
- “Awaiting foster care placement” removed from definition of homeless
- Homeless students new subgroup for reporting purposes
- Increased emphasis on identification
- Each district must appoint a homeless liaison
  - Responsibilities expanded including requirement to complete training
  - Notice requirements expanded



# Homeless students

- School of origin definition updated
  - School in which the child or youth was last enrolled and now includes:
    - Preschools
    - “Receiving schools” – school the student would attend after completing the final grade level at the school of origin
- Transportation must now be provided until the end of a school year even if a student secures permanent housing



# Homeless students

- Best interest determination
  - Presume keeping student in school of origin is in best interest of child (language referring to feasibility removed)
    - Unless otherwise requested by parent/guardian or unaccompanied youth
  - Consider student centered factors including factors related to impact of mobility on achievement, education health and safety of the child or youth and give priority to request of parent/guardian or unaccompanied youth



# Homeless students

- Emphasis on allowing for full participation in school and school activities
- Eligibility added to dispute resolution process
- Information about student's living situation is part of student's record and may not be classified as directory information



# Foster students

- Effective Dec. 10, 2016
- Foster students new subgroup for reporting purposes
- Foster care point of contact
- Student must remain in school of origin unless not in best interest of child
  - School at which student was enrolled at time of placement into foster care or at time of a change in foster care placement
  - Includes preschool
  - Must be provided transportation



# Foster students

- Best interest determination
  - Student centered factors
  - Transportation costs cannot be a factor
- If school of origin is not in the best interest of the student, they must be **immediately** enrolled in new school even if unable to produce records required for enrollment
  - Enrolling school must immediately contact school of origin for records





# Transgender students

- Board policies should already cover all protected classes as required by state and federal law
- Work with their legal counsel to ensure that all students in the district are in a safe, supported and secure learning environment
  - USDOE guidance
  - OSBA diverse student learners webpage  
<http://www.ohioschoolboards.org/diverse-student-learning>



# Students with disabilities

- Ohio Department of Education (ODE) Office for Exceptional Children guidance
- Every student with a disability is required to receive FAPE, including those in juvenile detention centers and community correctional facilities
  - Child-find policies should reflect obligation to identify, locate and evaluate these students
- District of residence maintains ultimate responsibility for ensuring these students are receiving services pursuant to IEP
  - Includes access to appropriate special education and related services while in the facility
- Absent an exception – the school district of service (where the facility is located) provides the special education and related services and charges costs to the district of residence



# College Credit Plus

- Second year of implementation
- Allows students in grades 7-12 to earn transcribed high school and college credit
- All public school districts and public colleges/universities are required to participate in the program
- Students cannot be charged fees for participating in courses (some fees may be charged for courses at participating private colleges)
- Alternative funding agreements – **Feb 1 deadline**



# College Credit Plus

- Informational session must be held **between Oct 1 and Feb 15**
- Notification about program must be made to students in grade 6-11
  - Ohio Revised Code (RC) 3365.04 prior to March 1, Ohio Administrative Code (OAC) 3333-1-65.1 prior to Feb 1
- Summer term
  - Academic year begins with summer term for purposes of College Credit Plus (CCP)
  - Courses included on fall transcript
  - Student scheduled or anticipated to graduate from high school may not participate in CCP for any term beginning after their scheduled or anticipated graduation date or in any course offered by a college during a summer term that begins during their last quarter of high school
- Application timeline
  - Students must submit notice of intent to participate by April 1 and may submit as early as February 15



# Credit flexibility

- House Bill (HB) 64 extended credit flexibility to 7<sup>th</sup> and 8<sup>th</sup> grade students
- Definition of credit flexibility updated
  - 7<sup>th</sup> and 8<sup>th</sup> grade students may meet curriculum requirements or students ready for high school courses may earn high school graduation credit by demonstrating subject area competency through the completion of traditional coursework, testing out or otherwise demonstrating mastery of course content through the pursuit of an approved educational option pursuant to the model for credit flexibility adopted by the State Board of Education (SBOE) (OAC 3301-35-01)



# GED requirements

- HB 113
- Provisions now outlined in Ohio Revised Code (RC) 3301.80 and 3301.81
- ODE now responsible (was SBOE) for awarding “certificate of high school equivalence”
- ODE must approve at least two nationally recognized high school equivalency tests and ensure scores required for passage are equivalent to scores required for passage on other approved equivalency tests
  - All references to “GED” replaced with “high school equivalency exams”



# GED requirements

- Under new requirements the following individuals may take the exams:
  - At least 18 years old, officially withdrawn from school and has not received a high school diploma or honors diploma
  - At least 16 years old but less than 18, has not received a high school diploma or honors diploma and submits an application along with written approval form the student's parent/guardian or court official
    - Removed HB 64 additional requirements for 16/17 year old students
      - ~~— Student must have been continuously enrolled in a program approved to grant a high school diploma for at least one semester and attained an attendance rate of at least 75% during that semester~~
      - ~~— Must show good cause as determined by SBOE rules~~
    - Removed HB 64 automatic eligibility provisions for certain individuals



# Graduation requirements

- OAC 3301-16-05 provides additional assessment options for students subject to Ohio Graduation Tests (OGT) (entered high school before July 1, 2014)
- Student can still earn their diploma through OGT pathway and requirements **or**
- If student has not passed required OGT tests they may either:
  - Fulfill new graduation assessment requirements for students entering high school on or after July 1, 2014
  - Use new testing options to fulfill old graduation requirements





# Immunizations

- Senate Bill (SB) 121
- RC 3313.671
- Added meningococcal (MCV4) immunization requirement beginning with 16-17 school year
- Statutory exceptions for immunizations still apply



# CPR requirements

- HB 113
- Districts must provide hands-on CPR and AED instruction (grades 9-12) beginning with the 2017-2018 school year
- Each person employed by the district must be trained in the use of an AED by July 1, 2018



# OSBA policies

- Homeless students and foster students
  - JEC, Admission of Students
  - JECAA, Admission of Homeless Students
  - JECAA-R, Admission of Homeless Students (Enrollment Dispute Resolution Process)
  - JHCB, Immunizations
  - JO, Student Records
  - JO-R, Student Records
- Transgender students
  - AC, Nondiscrimination
  - JB, Equal Educational Opportunities
- Students with disabilities
  - IGBA, Programs for Students with Disabilities
  - IGBA-R, Programs for Students with Disabilities



# OSBA policies

- College Credit Plus
  - IGCH, College Credit Plus (also LEC)
  - IGCH-R, College Credit Plus (also LEC-R)
- Credit flexibility
  - IGBM, Credit Flexibility
  - IGBM-R, Credit Flexibility
- Graduation requirements
  - IKF, Graduation Requirements
- GED requirements
  - IGEE, Awarding High School Diplomas to Veterans of War
  - JEA, Compulsory Attendance Ages
  - JEG, Exclusions and Exemptions from School Attendance
- Immunizations
  - JHCB, Immunizations



# PERSONNEL



# School counselor evaluation

- Ohio School Counselor Evaluation System (OSCES)
  - RC 3319.113
  - ODE framework
- Board policy by September 30, 2016
  - Implement beginning 2016-17 school year
  - Use evaluation results beginning 2017-18 school year



# School counselor evaluation

- Requires counselors to demonstrate ability to produce positive student outcomes
- Aligned with the standards for school counselors adopted under RC 3319.61
- Assign ratings of accomplished, skilled, developing or ineffective for each evaluation



# School counselor evaluation

- Requires annual evaluation for all school counselors
  - Two formal observations of 30 minutes each
  - Informal observations
  - Demonstration of metrics of student outcomes
- Allows for less frequent evaluation of high performing counselors
  - Accomplished counselors whose metric of student outcomes for the most recent school year for which data is available is skilled or higher may be evaluated every three years
  - Skilled counselors whose metric of student outcomes for the most recent school year for which data is available is skilled or higher may be evaluated every two years
- Requires districts to provide professional development to accelerate and continue counselor growth and provide support for poorly performing counselors
- Evaluators must complete training program





# School counselor evaluation

- The Board policy must:
  - Conform with RC 3319.113 and the SBOE framework
  - Become operative at expiration of any CBA covering school counselors employed by the Board in effect 9/29/15, and be included in any renewal or extension of such an agreement
  - Include implementation of the framework beginning 2016/17 school year
  - Include procedures for using evaluation results, beginning 2017/18 school year for both:
    - School counselor retention and promotion decisions and
    - Removal of poorly performing school counselors



# Ohio Teacher Evaluation System

- Safe harbor (HB 64)
  - Value added data for state tests administered in the 14-15 and 15-16 school years cannot be used unless an MOU is in place
  - If no MOU, may use other measures of student growth or base evaluation solely on teacher performance
- SBOE framework updates:
  - Professional growth and improvement plans now tied to teacher's final summative rating
  - Districts may place a teacher on an improvement plan at any time based on deficiencies in any individual component of the evaluation system **subject to collective bargaining**



# Ohio Teacher Evaluation System

- Alternative framework
  - 50% teacher performance
  - 35% student growth
  - 15% from one or combination of alternative measures
    - **Cannot be teacher performance or student growth measure**



# Ohio Principal Evaluation System

- Safe harbor (HB 64)
  - Value added data for state tests administered in the 14-15 and 15-16 school years cannot be used unless an **MOU or board policy** is in place (SBOE framework update)



# Alternative administrative license

- RC 3319.27, OAC 3301-24-11 and 3301-24-12 outline requirements for alternative administrative license
- May be issued to allow individuals from nontraditional career paths to serve as school administrators
- Recent OAC revisions clarify that an individual seeking an alternative superintendent license must have a **graduate GPA of 3.0 or higher**



# OSBA policies

- School Counselor Evaluation System
  - AFCA, Evaluation of School Counselors (also GCNA)
- Ohio Teacher Evaluation System
  - AFC-1, Evaluation of Professional Staff (Ohio Teacher Evaluation System) (also GCN-1)
- Ohio Principal Evaluation System
  - AFC-2, Evaluation of Professional Staff (Administrators) (also GCN-2)
- Alternative Administrative License
  - GCB-2-R, Professional Staff Contracts and Compensation Plans (Administrators)



# GOVERNANCE AND OPERATIONS



# Uniform guidance

- Impacts federal grants awarded on or after Dec 26, 2014
- Regulations outlined in 2 CFR 200
  - Replaces requirements found in eight previous OMB circulars
- Requires written policies and procedures
- Emphasizes the need for strong financial management systems and other internal controls aimed at controlling fraud, waste and abuse





# Uniform guidance

- Key areas:
  - Allowability of costs
  - Time and effort/cost principles
  - Conflict of interest
  - Cash management
  - Disposition of real property and equipment
  - Procurement



# Uniform guidance

- General board policy
- District level policies and procedures
- Be prepared to show through past practice
- ODE resources:  
<http://education.ohio.gov/Topics/Finance-and-Funding/Grants/Grants-Management-Online-Forms>



# Medical marijuana

- HB 523 permits a registered patient, upon recommendation of an authorized physician, to use medical marijuana to treat a qualifying medical condition
  - State Board of Pharmacy and Department of Commerce required to adopt rules for implementation
    - Must be adopted within one year of bill's effective date
    - Program must be fully operational within two years of bill's effective date
- Federal law still prohibits sale, cultivation, processing or use of marijuana, for any purpose



# Medical marijuana

- State law provides that employers:
  - Are not required to permit or accommodate use, possession or distribution of medical marijuana
  - Are permitted to terminate or discipline an employee or refuse to hire an applicant because of their use, possession or distribution of medical marijuana
  - Are permitted to establish and enforce drug free workplace, drug testing and zero tolerance drug policies
  - Are still subject to federal restrictions on employment including U.S. Department of Transportation rule
  - May obtain worker's compensation premium discounts for participation in the Ohio BWC drug-free workplace program
  - Have "just cause," to terminate an employee for unemployment compensation purposes



# Medical marijuana

- State law provides that employees:
  - Are not entitled to receive workers' compensation benefits if:
    - the employee was under the influence of marijuana and
    - marijuana use was the proximate cause
  - Applicants are not permitted to sue an employer for refusing to hire, terminating, disciplining, discriminating, retaliating, "or otherwise taking an adverse employment action" related to medical marijuana



# Medical marijuana

- Additional considerations
  - Student use
  - Community use
  - Location of dispensaries, cultivators, processors or laboratories
    - Cannot be located or relocate within 500 feet of a school, church, public library, public playground or public part
    - Cities and townships may prohibit or limit number of retail dispensaries



# Address confidentiality

- HB 359 (Safe at Home Program)
  - Allows victims of domestic violence, stalking, human trafficking, rape or sexual battery to apply for a confidential address
  - Work with applicant assistant to apply to Secretary of State
  - School districts must use confidential address of participants if requested



# Address confidentiality

- District cannot disclose:
  - Confidential address
  - School address (includes higher education institution address)
  - Business or place or employment
  - First-degree misdemeanor for violation if have access to this information and knowingly disclose it (except where disclosure is required by law)
- Impact on:
  - Student records
  - Personnel records
  - Enrollment





# Public records requirements

- “Ohio Historical Society” now “Ohio History Connection” (HB 114)
- A public office providing public records for free on a website may limit the number of digital format public records the office will provide to 10 per month unless the records requested are not provided on the website and the person certifies, in writing, that neither the records nor the information in them will be used for commercial purposes (SB 321)



# Public records requirements

- SB 321 provides an expedited process for a person to use to resolve their public records dispute
  - Alternative to mandamus action
  - Individual files a complaint with the court of claims clerk or common pleas court clerk in the county the district is located
  - Complaint served on the school district
  - Court of claims assigns the complaint a case number and a “special master” to examine the complaint and make a decision whether to refer case to mediation and manage the subsequent process



# Barricades

- HB 64 established method for door barricades to be incorporated into school emergency management plans
- Board of building standards required to adopt rules allowing for use (RC 3781.06)
- Section 1008.1.9.11 added to Ohio Building Code



# Barricades

- Temporary door-locking device may be used if:
  - School safety plan is adopted and filed in accordance with RC 3313.56
  - Device is only used in an emergency situation and during active shooter drills and may only be engaged for a finite period of time
  - District documents prior notification of use to police and fire officials
  - District provides and documents in-service training on device use for school staff members



# Barricades

- Device may not be permanently mounted to the door and removal following engagement cannot require more than one operation...unless...
  - Individual parts of the device that do not prevent normal ingress and egress (i.e. bolts, stops, brackets, pins) may be permanently mounted as long as they do not affect the fire rating of the door assembly
  - Two operations for device removal after engagement may be permitted if building is equipped throughout with an automatic sprinkler system
- Provisions of American's with Disabilities Act may apply



# Emergency inhalers

- HB 39 authorizes school districts to procure inhalers for use in emergency situations
  - Metered-dose or dry powder inhalers
  - May include spacers, holding chambers or other devices that attach to improve the delivery of medication
- Permissive
- Liability language
- Districts participating are encouraged to maintain two inhalers in each building



# Emergency inhalers

- May accept donations
- Annual ODE reporting requirement
- Superintendent is required to adopt a policy governing the maintenance and use of inhalers procured under RC 3313.7113
  - Must first consult with licensed health professional authorized to prescribe drugs
  - Must meet statutory requirements



# OSBA policies

- Uniform Guidance
  - DECA, Administration of Federal Grant Funds
- Medical marijuana
  - GBE, Staff Health and Safety
  - GBE-R, Staff Health and Safety
  - GBP, Drug Free Workplace
- Address confidentiality
  - GBL, Personnel Records
  - JO, Student Records
  - JO-R, Student Records
- Public records requirements
  - EHA, Data and Records Retention
  - KBA, Public's Right to Know





# HOT TOPICS



# Hot topics for 2017-18

- Every Student Succeeds Act (ESSA)
- Drones
- Interrogations and searches
- Website accessibility
- Title IX
- Clery Act



# OSBA IS HERE TO HELP



# OSBA Policy Services

- Premium, Standard and Review policy manual drafting services
- Webhosting service
- Update service
- Policy Development Quarterly (PDQ)
- Bank of sample policies and regulations
- Telephone helpline



# Contact Information

Kenna S. Haycox

*policy consultant*

Ohio School Boards Association

[khaycox@ohioschoolboards.org](mailto:khaycox@ohioschoolboards.org)

614-540-4000 ext. 242



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