



Essential Policies for 2014

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Agenda

- Withholding grades and credits
- Charitable trust filing
- Arming staff
- Early entrance
- Extracurricular changes
- OHSAA bylaw changes
- PBIS, restraint & seclusion
- Dual enrollment
- PSEO
- Records retention
- FMLA
- Uninterrupted scholars act
- Ohio teacher evaluation system
- Ohio principal evaluation system
- Board member electronic participation
- Electronic surveillance
- Third grade reading guarantee
- Concussions in sports
- JVSD governance



Withholding Grades and Credits

- RC 3313.642
 - District may withhold grades and credits for students with unpaid fees and fines
- HB14(13)
 - Except students alleged or adjudicated as abused, neglected or dependent
 - Cannot withhold grades, credits, official transcripts, diplomas, IEPs or 504 plans
 - Reporting requirements
- Policy implication
 - Student fees, fines and charges



Charitable Trust Filing

- OAC 109:1-1-02
 - Effective fiscal years ending after Sept.1, 2012
 - Who must file
 - Parent and booster organizations that for any taxable year have gross receipts of \$25,000 or more and at the end of which have gross assets of \$25,000 or more and
 - that are organized and operated in conjunction with and for the benefit of students of primary and secondary schools and education institutions.
 - Charitable trust filing
 - Within six months of charitable trust creation or six months after an event requiring charitable trust registration.
 - www.ohioattorneygeneral.gov/charitableregistration



Charitable Trust Filing

- Guidance
 - www.ohioattorneygeneral.gov
 - OAG Charitable Law Section
 - (800) 282-0515
 - charitableregistration@ohioattorneygeneral.gov
- Other resources
 - OSBA Publication *Effective Booster Operations*
- Policy implications
 - Parent organizations
 - Booster organizations



Arming Staff

- Contact Board counsel!
- Affirmative Board action required
 - Resolution, not Board policy
- Other considerations
 - CCW license
- Policy implication
 - Emergency/safety plans



Early Entrance

- HB59(2013)
 - Students who **will** be 5 or 6 prior to Jan. 1
 - Evaluated for early admittance via district policy, upon referral by child's parent/guardian, educator employed by the district, preschool educator who knows the child or pediatrician who knows the child
 - Then Board decides
 - Students who **will not** be 5 or 6 prior to Jan. 1
 - Acceleration policy
- Policy implication
 - Early entrance to kindergarten



Extracurricular Activities

- Extracurricular activity defined (RC 3313.537)
 - “Pupil activity program that a school or school district operates and is not included in the school district’s graded course of study, including an interscholastic extracurricular activity that a school or school district sponsors or participates in and that has participants from more than one school or school district”
- STEM school students (RC 3313.537)
 - “shall not be prohibited from participating”



Extracurricular Activities

- Nonpublic school students (RC 3313.5311)
 - Nonpublic school of enrollment doesn't offer the extracurricular activity, the student "shall be afforded by the Superintendent" the opportunity to participate in the activity at the district school the student would have otherwise been assigned to during that school year
- Home-schooled students (RC 3313.5312)
 - The student "shall be afforded by the Superintendent" the opportunity to participate in the activity at the district school the student would have otherwise been assigned to during that school year
 - Students are prohibited from participating in the same activity at another school or district they are not entitled to attend if they participate in the activity offered by the district.



Extracurricular Activities

- Permissive option
 - Superintendent may allow home-schooled and nonpublic school students not otherwise eligible to attend school in the district to participate if certain criteria are met.
 - District student is entitled to attend doesn't offer the activity
 - And (for nonpublic school students only) the activity is not interscholastic athletics or an interscholastic contest in music, drama or forensics.
- Policy implications
 - Cocurricular and Extracurricular Activities
 - Interscholastic extracurricular eligibility
 - Admission of students from nonchartered or home schooling



OHSAA Bylaw Changes

- Eligibility for transfer students (May 2013)
 - Establish eligibility as a 9th grader, then transfer:
 - Generally ineligible at new school for first 50% of max allowable regular season contests for sports in which student participated during 12 months immediately preceding transfer
 - Transfer during sports season in which student participated in a regular season interscholastic contest:
 - Ineligible in that sport for remainder of the season in new school
- OHSAA guidance
 - <http://www.ohsaa.org/eligibility/TransferBylawGuidance.htm>
- Policy implications
 - Interscholastic activities
 - Admission of interdistrict transfer students



PBIS

Restraint and Seclusion

- SBOE Statewide policy
- OAC 3301-35-15
- Effective 2013-2014 school year
- Applies to all students, not just students with disabilities
- Every effort should be made to prevent restraint and seclusion
 - Use PBIS
 - Use restraint and seclusion only when there's an immediate risk to student or others



PBIS

Restraint and Seclusion

- Districts required to develop policy and procedures for the use of restraint and seclusion
- Other requirements
 - Reporting and notification
 - Training
 - Complaint Process
 - Monitoring



PBIS

Restraint and Seclusion

- Resources
 - <http://links.ohioschoolboards.org/37995/>
- Policy implication
 - Positive behavioral interventions and supports (restraint and seclusion)



Dual Enrollment

- RC 3313.6013
 - Can include PSEO, advanced placement courses or any similar programs established pursuant to agreement between district and institution of higher education
- HB 59 adds:
 - Early college high schools
 - Allow students to earn both high school diploma and Associate's degree or up to two years of credit toward a Bachelor's degree simultaneously
 - Language prohibiting charging additional fees or tuition for participation in any dual enrollment program



Postsecondary Enrollment Options

- Home-Schooled Students (RC 3365.022)
 - Beginning 7/1/2013
 - Students the equivalent of 9th, 10th, 11th and 12th graders may participate
 - Parent/guardian notify ODE by April 1 prior to year student wishes to participate
 - Exception for students wishing to participate 2013-14 school year



Postsecondary Enrollment Options

- Participating institutions list (RC 3365.022(G))
 - ODE annually, by Dec. 31 of each school year, compile and distribute list
 - List required to include all institutions of higher education that currently participate Counseling Services (RC 3365.022(C))
- District must include list in required counseling services



Postsecondary Enrollment Options

- Prerequisites (RC 3365.022(F))
 - PSEO participation based solely on participating college's established placement standards for college-level courses for which credit is awarded
- Policy Implication
 - Postsecondary enrollment options



Records Retention

- HB 153 (11) changes
 - OHS determines records it considers to be of continuing historical value upon receipt and review of RC-2 (still has 60 days to approve or disapprove)
 - Districts now only required to submit RC-3 for records OHS has requested as part of initial RC-2 approval
 - Records OHS is not permitted to review or select for custody are set forth by RC 149.381
- HB 1 (11) changes
 - Definition of public record now includes “an electronic record as defined by RC 1306.01”
 - “a record created, generated, sent, communicated, received or stored by electronic means”



Records Retention

- Social media and public records
 - Does the content meet the definition of a record? (RC 149.011)
 - Is the information or social media content a duplication of information kept elsewhere?
 - If content is a duplicate, it's considered secondary copy and needn't be retained
 - If an official record, retain it in accordance with records retention schedule
 - If official record, determine the type of record and whether it can be integrated into existing records retention schedule
 - If not, create a new retention schedule and get it approved



Records Retention

- Social media and public records
 - Capturing and preserving social media content
 - Third party tools
 - OERC guidance
 - District procedures
 - Allowing comments
 - Deleting content
 - Setting up accounts



Records Retention

- Resources
 - HB 153 changes
 - <http://ohsweb.ohiohistory.org/portal/lgr-p.shtml>
 - Managing emails and social media
 - www.ohioerc.org
 - OERC July 2012 guidance
 - <http://ohsweb.ohiohistory.org/ohioerc/index.php?title=Guidelines>
- Policy Implications
 - Data and records retention
 - Personnel records
 - Public's right to know



FMLA

- Employee eligibility
 - Employed by district at least 12 months and employed for at least 1,250 hours of service during the 12-month period immediately preceding the date of leave
 - Determined according to principles established under the Fair Labor Standards Act (FLSA) for determining compensable hours of work
 - 1,250 hours include **only** those actually worked, not including hours spent on paid leave, unpaid leave and holidays (except military leave)



FMLA

- Leave Entitlement
 - Options for determining the 12-month period:
 - Calendar year;
 - Any fixed 12-month “leave year,” such as a fiscal year or year starting on the employee’s anniversary date;
 - 12-month period measured forward from date any employee’s first FMLA leave begins;
 - “rolling” 12-month period measured backward from date an employee uses FMLA leave.
 - Choose a method and apply consistently and uniformly to all employees
 - Districts wishing to switch must give at least 60 days notice to all employees and transition must take place in such a way that employees retain full benefit of 12 weeks of leave under whichever method affords the greatest benefit to the employees



FMLA

- Substituting paid leave
 - FMLA permits employee to elect, or employer to require the employee to use accrued paid vacation leave, paid sick leave or other paid leave for some or all of the FMLA leave period
 - When paid leave is used, for an FMLA-covered reason, the leave is FMLA-protected
- Spouses employed by the district
 - Allows district to limit the amount of FMLA leave a husband and wife may take when district employs both spouses
 - Combined total of 12 weeks vs. each spouse 12 weeks
 - If leave taken for birth of the employees' child or to care for the child after birth; for placement of a child with the employee for adoption or foster care or to care for the child after placement or to care for the employee's parent with a serious health condition
- Policy implication
 - Family and medical leave



Uninterrupted Scholars Act

- Effective Jan. 14, 2013
- Amends FERPA regarding access to student education records and personally identifiable information
 - Adds “an agency caseworker or other representative of state or local child welfare agency...when such agency or organization is legally responsible...for the care and protection of the student”
- Release of education records without parental notification
- Policy implication
 - Student records



Ohio Teacher Evaluation System

- HB 153 (11) and SB 316 (12)
 - Board policy must comply with state law and conform to ODE framework
 - State law
 - RC 3319.111
 - General requirements for OTES
 - RC 3319.112
 - Requirements for ODE framework
 - RC 3319.58
 - Ineffective teachers in core subjects



Ohio Teacher Evaluation System

- Evaluation rating based on 50% teacher performance and 50% student growth
 - Combined to reach rating of:
 - Accomplished;
 - Skilled;
 - Developing or
 - Ineffective.
- Board must provide for allocation of financial resources to support professional development



Ohio Teacher Evaluation System

- Teacher Performance
 - Annual evaluation
 - Except accomplished teachers where board acts
 - Minimum two 30 minute formal observations
 - Final observation by May 1, written report to teacher by May 10
 - Periodic classroom walkthroughs
 - Professional growth or improvement plans (Framework only)
 - Above expected student growth
 - Expected student growth
 - Below expected student growth
 - Evaluators must be ODE credentialed
- Student Growth
 - Value-added
 - ODE approved vendors
 - SLOs



Ohio Teacher Evaluation System

- HB 555 (12)
 - Adult education instructors excluded from OTES requirements
 - Alternative student academic progress measures added to requirements for value-added progress dimension
 - Value-added or alternative progress measure must be used in proportion to part of teacher's schedule of courses or core subjects for which the value-added progress dimension is applicable
 - Value-added progress dimension
 - Until June 30, 2014 = majority of student academic growth measure
 - On or after July 1, 2014 = entire student academic growth measure
 - Testing of ineffective teachers in core subjects exception for certain community schools



Ohio Teacher Evaluation System

- HB 59 (13)
 - “proficient” to “skilled”
 - Students with 45 excused or unexcused absences during the full academic year not included in student academic growth calculation
- Resources
 - <http://education.ohio.gov/Topics/Teaching/Educator-Evaluation-System/Ohio-s-Teacher-Evaluation-System>
- Policy implication
 - Evaluation of professional staff



Ohio Principal Evaluation System

- RC 3319.02(D)
 - Board adopted procedures for evaluating principals and assistant principals
 - Must be based on principles comparable to OTES, but tailored to the duties and responsibilities of principals and assistant principals and the environments in which they work
 - Results of these evaluations must be considered in determining whether to renew employment contract
 - Evaluation measures individual's effectiveness in performing duties included in job description



Ohio Principal Evaluation System

- Minimum = at least an annual written evaluation conducted by Superintendent/designee and completion of evaluation process in one of the following ways:
 - In the year the employee's contract **IS NOT** due to expire, at least one evaluation must be completed and a written copy must be provided to the employee no later than the end of the employee's contract year as defined by employee's annual salary notice
 - In the year the employee's contract **IS** due to expire, at least a preliminary evaluation and a final evaluation must be completed and a written copy of the preliminary evaluation must be provided to the employee at least 60 days prior to any board action on the employee's contract



Ohio Principal Evaluation System

- Before action to renew or nonrenew and prior to June 1 in the year the contract expires, board required to notify employee of the date the contract expires and fact that employee may request a meeting with the board.
 - During meeting, board required to discuss reasons for considering renewal or nonrenewal.
 - Employee may have representative.



Ohio Principal Evaluation System

- No expectancy of continued employment
- Board has final determination
- If Board fails to provide evaluations under these provisions or fails to provide meeting (if requested by employee), employee automatically reemployed
 - Salary plus increments for one year
 - If three years or more, salary plus increments for two years



Ohio Principal Evaluation System

- ODE Framework
 - Final effectiveness rating based on 50% student growth and 50% evaluation of principal's proficiency on the standards
 - Combined to reach final evaluation rating of:
 - Accomplished;
 - Skilled;
 - Developing or
 - Ineffective.
 - Student academic growth requires multiple measures, including value-added scores, where available



Ohio Principal Evaluation System

- ODE Framework
 - Two formal observations at least 30 minutes each and periodic building walkthroughs
 - Provide principals written report of results
 - Boards required to provide for allocation of financial resources to support professional development



Ohio Principal Evaluation System

- Resources
 - <http://education.ohio.gov/Topics/Teaching/Educator-Evaluation-System/Ohio-Principal-Evaluation-System-OPES>
- Policy implication
 - Evaluation of professional staff



Board Member Electronic Participation

- RC 121.22(C)
 - “A member of a public body shall be present *in person* at a meeting ... to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.”
- 2009 OAG 034
 - Board meeting where all members participate via electronic means is prohibited
 - Cannot use electronic means to circumvent the intent of the open meetings law



Board Member Electronic Participation

- Board **may allow** an individual board member to participate via conference call or videoconference, but board member is limited to listening to and participating in board discussions
 - Not counted for quorum
 - Cannot vote
- Practical implications
 - Complex discussions
 - Executive session
 - Meeting minutes
- Policy implication
 - School board meetings



Electronic Surveillance

- School property and school vehicles for safety and security of students and staff
- Considerations:
 - Placement and type
 - Notice
 - Footage security
 - Collective bargaining



Electronic Surveillance

- Placement and type
 - Common areas with low expectation of privacy
 - Local law enforcement expertise
 - Video vs. video and audio
- Notice
 - Staff, students, parents and community
 - Handbooks
 - Posted signs



Electronic Surveillance

- Footage Security
 - Protect against loss, unauthorized access and inappropriate disclosure or other misuse
 - Staff training
 - Requests for footage
 - Family Educational Rights and Privacy Act
 - www.ed.gov/FERPA



Electronic Surveillance

- Collective Bargaining
 - Footage to support disciplinary actions against employees
 - Change in “terms and conditions”
- Policy Implication
 - Building and grounds security



Third Grade Reading Guarantee

- Purpose: to identify students behind in reading from kindergarten through third grade.
 - Constantly changing
- Most recent changes (SB 21)
 - Students
 - Teacher criteria
 - Staffing plans



Third Grade Reading Guarantee

- Students
 - Beginning with students entering third grade in the 2013-14 school year
 - Students may be excused from taking the assessment if they fall under an exception
 - Limited English proficient student can receive an exemption from being retained for 3 years



Third Grade Reading Guarantee

- Teacher criteria
 - Each student who has a reading improvement and monitoring plan entering third grade for first time on or after July 1, 2013 shall be assigned a teacher with at least one year of teaching experience and who satisfies one or more of the following criteria:
 - Holds a reading endorsement on teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable;
 - Completed a master's degree program with a major in reading;
 - Rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a State Board approved vendor;
 - Rated "above expected value added," in reading instruction, as determined by criteria established by ODE, for most recent, consecutive two years;
 - Earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the State Board and/or
 - Holds an educator license for teaching grades pre-kindergarten through three, or four through nine issued on or after July 1, 2017.



Third Grade Reading Guarantee

- Other teacher criteria
 - Each student who has a reading improvement and monitoring plan entering third grade for first time on or after July 1, 2013 may be assigned a teacher who meets either of the following:
 - Has less than one year of teaching experience provided the teacher meets one or more of the criteria and is assigned a mentor teacher who has at least one year of teaching experience and meets one or more of the criteria or
 - Holds an alternative credential approved by ODE or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by ODE.



Third Grade Reading Guarantee

- Other teacher criteria
 - Each student who has a reading improvement and monitoring plan entering third grade for first time on or after July 1, 2013, may receive reading intervention or remediation services from a speech-language pathologist who holds a license issued by the board of speech-language pathology and audiology and a professional pupil services license as a school speech-language pathologist issued by the State Board.
 - A teacher may teach reading to any student who is an English language learner, and has been in the US for three years or less, or to a student who has an IEP if that teacher holds an alternative credential approved by ODE or has successfully completed training based on principles of scientifically research-based reading instruction that has been approved by the department.



Third Grade Reading Guarantee

- Staffing plans
 - Must include criteria that will be used to assign students to teachers, credentials or training held by teachers currently teaching at the school and how district or community school will meet the requirements.
 - Must be posted on district website



Third Grade Reading Guarantee

- Staffing plans
 - Not later than March 1, 2014, (and March 1 following years), district or community school that has submitted a plan must submit a detailed progress report to ODE
 - District or community school may request an extension of a staffing plan beyond the 2013-14 school year.
 - Must be submitted to ODE by April 30 prior to the start of the applicable school year.
 - ODE may grant extensions through 2015-16 school year.
 - Until June 30, 2015, ODE annually reviews all staffing plans and reports progress to State Board by June 30



Third Grade Reading Guarantee

- Resources
 - <http://education.ohio.gov/Topics/Early-Learning/Third-Grade-Reading-Guarantee>
- Policy Implications
 - Reading skills and assessments (third grade reading guarantee)
 - Promotion and retention



Concussions in Sports

- House Bill 143 (Effective April 26, 2013)
 - RC 3313.59(F) – if a member of interscholastic conference or organization that regulates interscholastic conferences or events then considered in compliance with RC 3313.539
 - Members of OHSAA already met a higher standard through rules and bylaws
 - ❖ Don't forget about sports not included in these organizations.



Concussions in Sports

- Annually, for each sport, students must submit form signed by parent/guardian stating student has received the concussion and injury information sheet (RC 3313.539(B))
- All coaches must have pupil-activity program permits issued under RC 3319.03 (RC 3313.539(C))
- Officials must either hold a pupil-activity program permit or present evidence of successful completion (in past 3 years) of a concussion or head injury training program that meets state law requirements (RC 3313.539(C))



Concussions in Sports

- Coach or referee must remove student from practice or competition if student exhibits signs, symptoms or behaviors consistent with having sustained a concussion or head injury (RC 3313.539(D))
- Students removed from practice or competition, can't return to practice or competition same day (RC 3313.539(E))
- State Board requires completion of brain trauma and brain injury management training program as part of first pupil-activity program permit application (RC 3319.303(C))
- ODH required to create info sheets on concussions and head injuries (RC 3707.52)



Concussions in Sports

- Resources for OHSAA members
 - OHSAA Bylaws
 - <http://www.ohsaa.org/general/about/Bylaws.pdf>
 - OHSAA general sports regulations
 - <http://www.ohsaa.org/sports/rglts/GenSportsReg12-13.pdf>
 - OHSAA concussion management resources:
 - <http://www.ohsaa.org/medicine/sportssafety.htm>
- Policy implications
 - Professional staff supplemental contracts
 - Support staff pupil activity contracts
 - Cocurricular and extracurricular activities
 - Interscholastic athletics



JVSD Governance

- Length in Office (RC 3311.19)
 - Appointed to three-year terms
 - Limited to two consecutive terms
 - Terms considered consecutive unless separated by three years



JVSD Governance

- Diversity of employers from the geographical region in which JVSD is located
- Three-fifths of Board must reside or be employed in JVSD territory
- Appointed to JVSD Board in accordance with JVSD plan (on file with ODE)



JVSD Governance

- Board member qualifications (RC 3311.19(D))
 - Experience as CFO, CEO, HR manager or other business, industry or career counseling profession;
 - Qualified to discuss labor needs of region regarding regional economy;
 - Represent employers in region served by JVSD;
 - Qualified to consider state's workforce need with an understanding of skills, training and education needed for current and future employment opportunities in Ohio.
- Appointing board should state how the individual meets these requirements when passing the resolution appointing him/her to JVSD board



JVSD Governance

- Other considerations
 - Appointed JVSD Board members are subject to Ohio ethics laws
 - JVSD Plan amendments
 - Proposal to enlarge or reorganize membership after assignment of a new school district no longer required
- Policy Implications
 - School district legal status
 - School board legal status
 - Board member qualifications
 - Cooperative educational programs



OSBA Policies

- Withholding Grades and Credits
 - JN, Student Fees, Fines and Charges
- Charitable Trust Filing
 - KMA, Parent Organizations
 - KMB, Booster Organizations
- Arming Staff
 - EBC-R, Emergency/Safety Plans
- Early Entrance
 - JEBA, Early Entrance to Kindergarten



OSBA Policies

- Extracurricular and OHSAA Bylaw Changes
 - IGD, Cocurricular and Extracurricular Activities
 - IGDJ, Interscholastic Athletics
 - IGDK, Interscholastic Extracurricular Eligibility
 - JECBB, Admission of Interdistrict Transfer Students
 - JECBC, Admission of Students from Nonchartered or Home Schooling



OSBA Policies

- PBIS, Restraint & Seclusion
 - JP, Positive Behavioral Interventions and Supports (Restraint and Seclusion)
- Dual Enrollment & Postsecondary Enrollment Options
 - IGCH (Also LEC), Postsecondary Enrollment Options
 - IGCH-R (Also LEC-R), Postsecondary Enrollment Options
- Records Retention
 - EHA, Data and Records Retention
 - EHA-R, Data and Records Retention (Electronic Mail and Social Media Content)
 - GBL, Personnel Records
 - KBA, Public's Right to Know



OSBA Policies

- Family and Medical Leave Act
 - GBR, Family and Medical Leave
 - GBR-R, Family and Medical Leave
- Uninterrupted Scholars Act
 - JO, Student Records
 - JO-R, Student Records
- Ohio Teacher Evaluation System
 - AFC-1 (Also GCN-1), Evaluation of Professional Staff (Ohio Teacher Evaluation System)
- Ohio Principal Evaluation System
 - AFC-2 (Also GCN-2), Evaluation of Professional Staff (Administrators Both Professional and Support)



OSBA Policies

- Board Member Electronic Participation
 - BD, School Board Meetings
- Electronic Surveillance
 - ECA, Building and Grounds Security
 - ECA-R, Building and Grounds Security
- Third Grade Reading Guarantee
 - IGBEA, Reading Skills Assessments and Intervention (Third Grade Reading Guarantee)
 - IGBEA-R, Reading Skills Assessments and Intervention (Third Grade Reading Guarantee)
 - IKE, Promotion and Retention



OSBA Policies

- Concussions in Sports
 - GCBB, Professional Staff Supplemental Contracts
 - GDBB, Support Staff Pupil Activity Contracts
 - IGD, Cocurricular and Extracurricular Activities
 - IGDJ, Interscholastic Athletics
- JVSD Governance
 - AA, School District Legal Status
 - BB, School Board Legal Status
 - BBBA, Board Member Qualifications
 - LBB, Cooperative Educational Programs



Hot Topics for 2014

- ✧ Transportation
- ✧ Hours to days
- ✧ Calamity days
- ✧ The Affordable Care Act
- ✧ HIPAA changes
- ✧ The usual suspects
 - ✧ OTES
 - ✧ OPES
 - ✧ Third grade reading guarantee
 - ✧ Etc.



OSBA is Here to Help!

- Premium, Standard and Review policy manual drafting services
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- Bank of sample policies and regulations
- Telephone helpline



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