

Book	Policy Manual
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## **OHIO LOCAL UPDATE OVERVIEW AND COMMENTS**

### **VOLUME 41 NUMBER 2**

### **JANUARY 2023**

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#### **Reminders**

- A. Ohio's minimum wage increased to \$10.10 per hour, effective January 1, 2023, for non-tipped employees. For "employees" under the age of 16, the state minimum wage matches the Federal minimum wage of \$7.25 per hour. This rate is adjusted annually based on the U.S. Consumer Price Index.
- B. The Internal Revenue Service (IRS) issued Notice 2022-234 which provides the 2023 mileage rate at 65.5 cents per mile for business travel (three (3) cents more than midyear increased rate for the second half of 2022).
- C. The U.S. Department of Labor maintains regulatory authority over State and local government employers, including public school districts. Note that the following Federal laws have poster requirements which apply to school districts (no Federal or Federally-assisted contracts or subcontracts):
  - 1. The Equal Employment Opportunity Commission (EEOC)
  - 2. The Employee Polygraph Protection Act (EPPA)
  - 3. The Fair Labor Standards Act (FLSA) Minimum Wage Notification
  - 4. The Family and Medical Leave Act (FMLA)
  - 5. Uniformed Services Employment and Reemployment Rights Act (USERRA)
  - 6. Occupational Safety and Health Act (Workplace Safety)
  - 7. Whistleblower Protections

In addition, certain organizations may be required to display posters that can only be obtained from DOL's Office of Workers' Compensation Programs (OWCP). More information on these posters is available. Links to all Federal employment posters are always available on the Poster Page as are answers to frequently asked questions. Note that school districts with federal or federally-assisted contracts or subcontracts may have additional requirements.

#### **Legal Alerts**

Included with this update are several legal alerts. These include:

03 - EMOTIONAL SUPPORT/COMFORT ANIMALS AND THERAPY DOGS

## **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.

### **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 (Revised)**

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 (Replacement/Revised)**

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 aide 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.

## **ADMINISTRATIVE GUIDELINES**

### **AG 2271 - College Credit Plus Program (Revised)**

See note on Policy 2271.

### **AG 2412 - Homebound Instruction (Revised)**

See note on Policy 2412.

### **AG 2623D - Standards Relative to the Ethical Use of Assessments by Staff and Students (Revised)**

This guideline has been revised to reflect the most recent requirements of ODE regarding the ethical use of state-mandated assessments.

### **AG 4120.09 - Use of Unpaid Volunteer Aides (Rescind)**

See note on Policy 3120.09/4120.09 and Policy 8120.

### **AG 5460A - Criteria for Awarding the Diploma with Honors (Replacement)**

Under current law, high school students may be eligible to earn six different honors diplomas for exceeding Ohio's graduation requirements, which include the following: Academic Honors, International Baccalaureate Honors, Career Tech, STEM, Arts (which includes dance, drama/theatre, music and visual arts), and Social and Civic Engagement. To qualify for one of the diplomas, a student must meet the ODE's established criteria. The specific criteria have been included in the administrative guideline. STEM and IBB diplomas are listed as options in the guidelines since these may not be available in a particular district. Districts are required to communicate with parents and students about the options and criteria for honors diplomas, and also must involve the joint vocational school districts when developing policies, guidelines and procedures for honors diplomas. Likewise, JVSs are required to notify their affiliate districts on the status of students enrolled in the JVSD regarding continued eligibility.

### **AG 5460B - Criteria for Credit Flexibility Plan (Replacement)**

Ohio law grants districts broad latitude to develop unique ways for students to earn credit toward a high school diploma by providing Credit Flexibility options. Credit flexibility is intended to extend beyond traditional classroom coursework in a way that allows students to explore interests, gain work experience, and remain motivated to achieve graduation goals. Credit flexibility played an important role for some districts to help students graduate during the pandemic. Districts are required to adopt policies related to educational options that include criteria and procedures to take advantage of credit flexibility. The administrative guidelines have been updated to incorporate the ODE guidelines and expectations for credit flexibility.

### **AG 5460D - Diploma Seals (Revised)**

Now that the “2023 and beyond” graduation requirements are in full effect, school districts are required to award credit seals for students. Students must earn at least two seals to fulfill the readiness requirement for graduation. There are twelve seals identified for this purpose, eight of which are defined by the state of Ohio. There are also three locally defined seals, specifically community service, student engagement, and fine and performing arts. Districts are required to adopt guidelines for and offer at least one local seal. Options for all three seals have been included in AG 5460, which have been updated to include recent guidance published by the ODE for this release. Districts may elect to offer all three seals.

### **AG 8400A - Threat Assessment and Intervention (NTAC) (Replacement)**

### **AG 8400A - Threat Assessment and Intervention (CSTAG) (Replacement)**

See note on Policy 8400. This guideline is issued as a replacement, as the content is comprehensive and substantially different from the original guideline issued in 2019. There are two (2) versions of this guideline in the update package, which allow for the district to select terminology appropriate to either the NTAC or CSTAG training protocol.

### **AG 8420 - Emergency Procedures (Revised)**

### **AG 8420A - Severe Weather and Tornadoes (Revised)**

See note on Policy 8420.

## **FORMS**

### **Form 5610 F1 - Notification of Emergency Removal (Replacement)**

### **Form 5610 F2 - Notice of Intent to Suspend (Replacement)**

### **Form 5610 F3 - Notice of Suspension (Replacement)**

### **Form 5610 F6 - Notice of Intention to Expel (Replacement)**

### **Form 5610 F7 - Notice of Expulsion (Replacement)**

These forms are issued as replacement templates.

## **COMMENTS**

### **Reviewing Board Minutes**

A feature of your subscription to the Update Service is the review of your District’s Board minutes to identify action that results in new policy or revision to existing policy. If such action has been taken and copies of the related materials have not been submitted to the Coshocton Office, the District will be contacted and additional information regarding the action will be requested. Please take advantage of this valuable service by sending copies of your Board minutes to the Coshocton Office for review.

**Last Modified by Beth Harman on March 1, 2023**