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| Book    | Policy Manual                           |
| Section | Vol. 42, No. 2 - February 2024          |
| Title   | Vol. 42, No. 2 - February 2024 OVERVIEW |
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## **OHIO LOCAL UPDATE OVERVIEW AND COMMENTS**

### **VOLUME 42 NUMBER 2**

### **FEBRUARY 2024**

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All production-related materials and questions should be directed to the Coshocton Office at 632 Main Street, Coshocton, Ohio 43812 (phone 800-407-5815, fax 740-622-2557). Billing questions should be directed to the Stow Office at 3914 Clock Pointe Trail, Suite 103, Stow, Ohio 44224 (phone 330-926-0514, fax 330-926-0525).

Please do not retype Neola materials before returning them for processing. We prefer to have the original materials returned after you have marked them indicating which changes and additions you choose to have/not have for your District. If a District decides not to adopt a policy or an administrative guideline, the District is still obligated to follow applicable Federal and State laws relating to that section.

The proposed new, revised, and replacement policies, administrative guidelines, and forms included in this update have been thoughtfully prepared and reviewed by Neola's legal counsel for statutory compliance. If you make changes or substitute in its entirety policies or other materials of your own drafting, those materials should be reviewed by your legal counsel to verify compliance. Neola does not review district-specific edits to update materials or District-specific policies for statutory compliance.

If a policy or guideline is marked as a revision, the changes have been marked in bold (to add material) and crossed out (to delete material). As you review a revised policy or guideline, you may choose to accept one, many, or all of the changes provided. If a policy or guideline is marked as a replacement, that means there have been enough changes made that justify a complete, clean replacement copy. As you review a replacement policy or guideline, you should also check the materials you have in your current policy or guideline to see if there is some specific wording you want to include in the replacement policy. If so, any text from the current policy should be added using "Track Changes" or the editing tools in the BoardDocs platform in the replacement policy or guideline before returning it electronically to the Coshocton office for processing.

If the District authors language and adds it to a policy template or deletes content that is not marked as a choice in the policy template, then these actions will constitute District-specific edits.

Policies that are to be deleted from the policy manual require Board action to rescind the policy.

As the Update "season" gets underway, Neola offers some suggestions for accessing the comprehensive policy services through your Neola Associate. While "in-person" consultation sessions are the preferred method for Neola Update "visits", the means by which you and your Neola associate accomplish this review should be mutually determined based on availability and level of comfort with the consultation process. Overall, health and safety are the primary concerns. Your Neola associate will be in contact with you soon to discuss these options with you and to schedule an appointment to review this update and ensure you are current on this and previous updates. Please consider the following options:

- A. Schedule an appointment date/time to review the update materials during an in-person conference,
- B. Schedule/reschedule update or drafting visits for a later time,

C. Schedule an appointment date/time to review the update materials via virtual meeting, such as Google Meeting or other electronic options, or

D. Schedule an appointment date/time to review the update materials in a telephone conference.

If you are not an administrative guidelines client, you did not receive those materials in this packet. Contact your Associate for more information about becoming an administrative guidelines client.

## **Processing Update Materials**

If you will be making changes to these Update documents electronically, use "Track Changes" or the editing tool in the BoardDocs platform to mark the Neola materials indicating which of the proposed revisions and additions you choose to include or not include for your District, or to make additional edits, before returning them electronically for processing. Be sure to leave the "track changes" and marked up version as the one you submit to the production office in Coshocton, Ohio.

## **District-Specific Material**

If the District chooses, during any step of the Update process, to incorporate District-specific material into a new policy or guideline that has been proposed or to insert District-specific material into a current policy or guideline for which revisions have been proposed in an update issued by Neola, then the District agrees to hold Neola harmless for those District-specific edits and acknowledges that Neola's warranty for legal challenges to that District-specific language in that policy or guideline will not be in effect. In addition, Neola retains ownership of the text from the original policy template that remains in a policy to which District-specific material has been added. District-specific materials include the following:

- A. Materials from the District's existing materials that the District requests be incorporated during the drafting process;
- B. New materials that the District develops in their entirety and exclusive of Neola; and
- C. Revisions or deletions that substantively depart from Neola's templates.

Further, Neola does not recommend the use or incorporation of District-specific materials. Neola will, at the request of the District, incorporate District-specific materials into the licensed materials, with the implicit understanding that the District bears all risks associated with the District's decision to request that such District-specific materials be incorporated. Neola reserves the right to but is not obligated to, advise the District to seek its own legal review of District-specific materials.

## **Notice Regarding Legal Accuracy**

Neola is vigilant in providing policy language to clients that has been vetted for legal accuracy by outside legal counsel. Should questions arise as to the legal compliance or accuracy of Neola materials, it is our expectation that Neola's counsel would have the opportunity to assist in the resolution of such a claim. Please notify the Neola corporate office if an issue arises in which such a review or assistance is necessary.

Policies in this update have been reviewed by either Ennis Britton Co., L.P.A. or Peters Kalail & Markakis Co., L.P.A. for consistency with Federal and State law.

## **Legal Alerts**

Included with this update are three (3) legal alerts. These include:

03 - Legal Alert - Ohio Voters Approve Recreational Marijuana

04 - Legal Alert - Budget Bill Provides Some Flexibility with Staffing

05 - Legal Alert - Update on Recent Ohio Legislation Addressing Transgender Student Issues/HB 68 (enacted), HB 183 (pending)

## **BYLAWS AND POLICIES**

### **Policy 2623 - Student Assessment and Academic Intervention Services (Revised)**

This policy has been revised to include the requirement included in HB 33 that, by June 30 of each year, schools must provide parents with a student's score on any state assessment administered to the student. Notice may be sent by mail or email, or posted in the district's online portal. Additional information about reporting student results for state tests can be found [here](#). Also, legal citations and cross references have been updated.

### **Policy 2623.02 - Third Grade Reading Guarantee (Revised)**

This policy has been revised to reflect current administration windows for student assessments, found in R.C. 3313.608 and R.C. 3313.0715.

### **Policy 3120.04 - Employment of Substitutes (Revised)**

This policy includes a minor change prompted by HB 33, reflecting that districts may employ student teachers as substitute teachers on a semester-to-semester basis upon approval by the board. Schools will need to confirm that the student teacher's college or university allows their students to be paid substitutes.

### **Policy 3140 - Termination and Resignation (Revised)**

This policy has been revised to reflect changes in HB 33 permitting districts to provide notice of the Board's intention to terminate a professional employee by regular mail with a certificate of mailing, electronic mail with proof of delivery, or other method with proof of delivery. It is critical that the district obtains proof that the notice was received, regardless of the means of delivery.

### **Policy 4124 - Employment Contract (Revised)**

This policy has been revised to reflect changes in HB 33 permitting districts to provide notice of the Board's intention not to re-employ a classified staff member by regular mail with a certificate of mailing, electronic mail with proof of delivery, or other method with proof of delivery. It is critical that the district obtains proof that the notice was received, regardless of the means of delivery.

### **Policy 4140 - Termination and Resignation (Revised)**

This policy has been revised to reflect changes in HB 33 permitting districts to provide notice of the Board's intention to terminate a classified staff member by regular mail with a certificate of mailing, electronic mail with proof of delivery, or other method with proof of delivery. It is critical that the district obtains proof that the notice was received, regardless of the means of delivery.

### **Policy 5310 - Health Services (Revised)**

This policy has been revised to reflect that Ohio law (R.C. 3313.6413) now requires each traditional public school district, community school, STEM school, chartered nonpublic school, and other public school with school buildings that enroll girls in grades six (6) through twelve (12) to provide free menstrual products (HB 33). Schools may choose to provide free products to a broader range of grade levels. Further information can be found [here](#).

### **Policy 8600 - Transportation (Revised)**

Ohio law limits how far a student in grades k-8 can walk (two (2) miles). However, there is no technical limit for high school students. Therefore, we have created additional options for the district to consider. Also, at Travel Times for the Transportation of Children with Disabilities, provisions have been added to help districts fulfill their obligation to establish travel time standards for students with disabilities [A.C. 3301-51-10(D)(1)]. In addition, we removed language that states the superintendent will take changes to bus routes to the board at the next meeting. The Superintendent has the authority to make changes, and this is not a practice typically employed by districts. So this requirement is not necessary. We have added a drafting note informing districts that school bus drivers meet the qualifications to drive vehicles other than school buses. That said, districts may require that drivers complete other training modules, such as school van driver training. An individual does not need a CDL to drive vehicles other than school buses. See Board Policy 8650, below, for more information regarding qualifications to drive district vehicles. Finally, we have corrected a minor typo and added cross references to other applicable policies.

### **Policy 8600.04 - Bus Driver Certification (Revised)**

This policy has been revised to add cross references to relevant policies, update references to the Ohio Department of Education and Workforce, and properly reference "school vehicles."

### **Policy 8640 - Transportation for Non-Routine Trips (Revised)**

The title of this policy has been updated for accuracy. In addition, it has been revised to recognize that a district may charge the personnel costs associated with the driver's time and/or mileage costs. These are actually two (2) separate costs that a district reports and tracks. Therefore, it is important that districts have a way to recoup costs of a driver, who will be paid on an hourly basis. Finally, we have added cross references to other related policies.

### **Policy 8650 - Transportation by Vehicles Other Than School Buses (Revised)**

Because the administrative code uses the term "vehicle," and the revised code uses the term "van," this policy has been revised and expanded to refer to vehicles other than school buses. Both of the above-referenced terms are used in law, so there does not appear to be a preferred term, and we do not believe that one term has a different legal effect than the other. Also, the policy has been revised to reflect that drivers of non-routine vehicles like vans do not need a CDL. However, if someone meets requirements to drive a bus (which includes a CDL), they are also qualified to drive vans/nonroutine vehicles.

### **Policy 8660 - Incidental Transportation of Students by Private Vehicle (Revised)**

OAC (A.C.) 3301-83-19, which is part of the approved transportation regulations, addresses routine use of vehicles, including regular use of a personal vehicle in the transport of students, at the direction of the school. OAC 3301-83-19 provides rules governing the transportation of students in authorized vehicles. Incidental use of a personal vehicle in the transport of school students (for example, an unexpected situation in which a principal or staff member needs to drive a sick student home from school or a field trip) is not regulated in this section of the administrative code.

## **ADMINISTRATIVE GUIDELINES**

### **AG2623A - Testing Program (Revised)**

This administrative guideline has been revised to align with board policy, implemented through HB 33. Results for state assessments may be sent by mail or email, or alternatively be posted in the district's online portal. The deadline for this notice is June 30th. For further information, please refer to the overview comments for Board Policy 2623 - Student Assessment and Academic Intervention Services, above.

### **AG2623.02 - Mid-Year Promotion for Third Grade Students Retained Due to Performance on English Language Arts Assessment (Revised)**

This administrative guideline has been revised to align with Board Policy 2623.02 - Third Grade Reading Guarantee, which was revised pursuant to changes in R.C. 3313.608 after the codification of HB 33. The district is required to establish a policy for mid-year promotion of a student demonstrating reading at or above grade level, in consultation with the parent/guardian and the Student Intervention Team and with the concurrence of the building principal.

### **AG5463 - Student Transfer From Non-Chartered Schools and Enrollment From Home Education (Revised)**

This administrative guideline has been revised to update "non-accredited" schools to "non-chartered" schools, and "home schooling" to "home education," consistent with statute. Also, we have added an interview with the student and/or parents as a method that can be used to determine a student's proper grade placement or credits toward graduation. Finally, we have added the statement that a student transferring/enrolling into a school in the District shall be placed in the appropriate grade level, without discrimination or prejudice, consistent with R.C. 3321.042.

### **AG8650 - Transportation by Vehicles Other Than School Buses (Revised)**

This administrative guideline has been revised to align with board policy. Drivers of school vehicles shall be twenty-one (21) years of age with a minimum of two (2) years driving experience. For further information, please refer to the overview comments for Board Policy 8650 - Transportation by Vehicles Other Than School

Buses, above.

### **AG8660 - Incidental Transportation of Students by Private Vehicle (Revised)**

We made minor revisions to align this administrative guideline with board policy. For further information, please refer to the overview comments for Board Policy 8660 - Incidental Transportation of Students by Private Vehicle, above.

### **AG9270 - Procedure for Educating a Child at Home (Technical Correction)**

Technical Correction to update cross references and add title.

### **AG9270A - Admission of Students from Non-Chartered Schools (Revised)**

This administrative guideline has been revised to update "non-accredited" schools to "non-chartered" schools, and "home schooling" to "home education," consistent with R.C. 3321.042. Also, we removed language requiring results of a student's most recent annual academic assessment report for students who participated in a home education program.

## **FORMS**

### **Form 9270F1 - Procedure for Educating Your Child at Home (Rescind)**

When HB 33 significantly modified the law governing home school student education in Ohio, District superintendents were no longer required to approve applications for home education. Instead, superintendents are provided with a simplified notice from a student's parent or legal guardian within five (5) days after the student begins home education or moves into the district. This change rendered Form 9270 F1 - Procedure for Educating your Child at Home unnecessary.

## **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 February 28, 2024**