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OHIO LOCAL UPDATE OVERVIEW AND COMMENTS

VOLUME 44 NUMBER 1

AUGUST 2025

All production-related materials and questions should be directed to the Coshocton Office at 632 Main Street, Coshocton, Ohio 43812 (phone: 800-407-5815, email: production@neola.com). 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, email: accounts@neola.com).

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 their 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 that language 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 Meet 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, 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 five (5) legal alerts. These include:

- 03 - Legal Alert - 2025 COPPA Rule - Implications for K-12 Public Schools
- 04 - Legal Alert - DOJ Issues New Rule Concerning Web Content and Mobile App Accessibility
- 05 - Legal Alert - Supreme Court Decision Expanding Parental Opt-Out Rights in Public Schools
- 06 - Legal Alert - Budget Bill Changes Release Time for Religious Instruction ("RTRI") - Again!

BYLAWS AND POLICIES

Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities (Revised)

A revision to this policy and AG is necessary because of June 23, 2025, the National Incident-Based Reporting System ("NIBRS") definition of fondling changed. The term officially is "criminal sexual contact". In response to USDOE's February 2025 "Dear Colleague" letter and subsequent Executive Order, it is suggested that the terms "sexual orientation and gender identity" be removed from the parenthetical definition of "sex" in the policy since all language in the Guidance documents defining "sex" under Title VII to include "sexual orientation" and/or "gender identity" was contrary to Title VII and therefore vacated. Neola recommends you discuss this issue with your local legal counsel before deciding whether to include or delete the language. Regardless of whether you elect to include the language, it is critical that you consult with your local legal counsel if a situation arises involving an allegation of discrimination or harassment based upon sexual orientation or gender identity.

Additionally, the address of the USDOE Office for Civil Rights has been changed to the Washington D.C. office.

Policy 2430.02 - Participation of Community/Stem School/Home-Educated Students in Extra-Curricular Activities (Revised)

Several important changes were implemented through HB 96 which pertain to the participation of students in extracurricular activities. HB 96 revised a law originally passed in 2024, which permitted home-educated students, as well as students from other qualifying districts or schools, to participate in interscholastic athletics if they had been subject to harassment, intimidation, bullying, or other prohibited acts by a school official, employee, volunteer, or another student. Revisions in HB 96 restrict this practice to home-educated students only. Students from other qualifying districts are no longer eligible. The revision to this policy deletes that option. Changes have been made to po9270 to provide that option to qualifying home-educated students.

Policy 2431 - Interscholastic Athletics (Revised)

Several important changes were implemented through HB 96 which pertain to the participation of students in extracurricular activities. HB 96 revised a law originally passed in 2024, which permitted home-educated students, as well as students from other qualifying districts or schools, to participate in interscholastic athletics if they had been subject to harassment, intimidation, bullying, or other prohibited acts by a school official, employee, volunteer, or another student. Revisions in HB 96 restrict this practice to home-educated students only. Students from other qualifying districts are no longer eligible. The revision to this policy deletes any reference to students from other qualifying districts and allows only for qualifying home-educated students.

HB 96 also included an opportunity for students who are enrolled in another district to participate in ice hockey, should a district elect to permit it. The law requires that the district where the student is enrolled be located within twenty (20) miles and not currently offer ice hockey. The superintendent of the district which offers ice hockey and the superintendent of the district where the student is enrolled must enter into an agreement that permits the student's participation. The student must meet all age, grade level, academic, nonacademic, and financial requirements that resident students are required to meet.

Policy 3130 - Assignment and Transfer (Revised)

The biennium budget bill included an important provision declaring that superintendents shall assign teachers based on the best interests of students enrolled in the District. The law further provides that seniority and continuing contract status cannot be primary factors in making assignment decisions. The law also provides that collective bargaining agreements cannot supersede the assignment language. For districts with collective bargaining agreements, the law does not apply until the expiration of the current contract. Policy 3130 has been revised to reflect this change in the law.

Policy 5130 - Withdrawal from School (Revised)

A minor adjustment has been made to PO 5130, specifically to remove the requirement that schools notify the Registrar of Motor Vehicles if a student under eighteen (18) withdraws from school without moving out of State, transferring to another school, or otherwise meeting another exception to the law on compulsory school age. This change was implemented through HB 96.

Policy 5136 - Personal Communication Devices (Revised)

NEOLA released an updated cell phone policy on July 21, 2025, as a Special Update in response to recent changes passed by the biennium budget bill. Under HB 96, which takes effect September 30, school districts are directed to adopt a policy that "prohibit[s] all cellular telephone use by students during the instructional day" with a few noted exceptions. The exceptions further state that "[i]f determined appropriate by the district board, . . . students may use cellular telephones or other electronic communication devices for student learning or to monitor or address a health concern." Policies must be adopted by January 1, 2026.

Although the new law does not further define the term "instructional day," other laws provide some guidance as to the term's meaning. R.C. 3313.48 states that a school district must be open for instruction with students in attendance for a stated minimum number of hours. Lunch and breakfast periods, as well as extracurricular activities, cannot be counted toward the minimum hours of instruction under the law. The language cited above seems to imply that a board has discretion when adopting policy. It therefore seems reasonable to conclude that boards may, through adoption of policy, permit students to use cell phones during these noninstructional times.

However, caution is advised in selecting the options that authorize use during noninstructional time, such as lunch, recess, and class changes. On August 11, 2025, the Ohio Department of Education and Workforce ("DEW") sent a communication to schools addressing the recent change in the law. The communication states that students may not use cell phones during the instructional day, and defines the term to include "any period of time in which a student is expected to be in attendance and includes not only formal instruction time but also supervised activities, such as transitioning between classes, recess, meal periods, and field trips." The DEW provides no actual legal support for this definition. However, it seems consistent with similar messages and statements made recently by members of the legislature and the governor's office, that the intent of the law is to ensure that students not use cell phones at all during any part of the school day.

While NEOLA has included several options that districts may elect that permit students to use phones during noninstructional time, caution on including those options is advised in light of these recent statements. School districts are required to permit use of cell phones as stipulated in an individualized education plan ("IEP") or Section 504 plan. Additionally, schools must permit students to use cell phones to monitor health conditions upon receipt of a physician's written statement indicating there is a need. Finally, schools must include a protocol that addresses student cellphone use during an active threat or emergency in the district's comprehensive emergency management plan for each school building. The bill suspends the cellphone prohibition for a school building during an active threat or emergency if the building's comprehensive emergency management plan permits it. School districts still have the option of permitting students to possess cell phones in schools, although again, use must be restricted.

Neola relies on the words in the law to guide language in policies. The law, as written, appears to allow some discretion for boards to permit use of phones during noninstructional time. A number of districts have stated that they want to include this use in policy. Therefore, the options still remain in the policy template. However, you are encouraged to seek legal counsel for further guidance before selecting any options.

Policy 5200 - Attendance (Revised)

Among the most significant changes implemented through HB 96 involve an overhaul of student attendance and truancy laws. Under the new law, truancy intervention plans are a thing of the past. Schools are no longer required to assign students to absence intervention teams, who are currently required to develop the truancy intervention plans. Instead, a district is required to establish at least one absence intervention team districtwide to work with students at risk of becoming chronically absent and their families to improve student attendance. Districts are also required to notify parents when a student misses a designated number of hours as determined by the board, which cannot be greater than five percent (5%) of the state's minimum hours of instruction. Truancy filings are also modified as follows. A district's attendance officer is required file a complaint in the juvenile court against any student who is habitually truant, which is defined as being absent without a legitimate excuse for thirty (30) or more consecutive hours, for forty-two (42) or more hours in one (1) school month, or for seventy-two (72) or more hours in one (1) school year, unless the district determines that the student and the student's family are making satisfactory progress in improving the student's attendance at school. If no determination of progress is made, or if the school determines that the student and the student's family have ceased to continue making progress in improving the student's attendance, the attendance officer must proceed to file a complaint in juvenile court against the student. The complaint must allege that the child is unruly for being habitually truant, and the parent, guardian, or other person having care of the child has violated Revised Code 3321.38. The law states that districts are required to adopt a policy no later than July 1, 2026, which incorporates a number of elements and reflects the recent changes in the law. However, recall that HB 96 takes

effect September 30, 2025. Presumably, the new provisions of truancy law take effect at that time, which leaves a gap between the effective date and the date by which a district must adopt a policy. NEOLA consulted with the DEW and elected to modify the policy for this release to incorporate all of the recent changes. School districts are therefore able to implement the policy for the majority of the current school year.

Other changes were also made to the policy. For instance, the legislature adopted a provision in HB 96 that permits a student to be excused from school for up to eight (8) hours to attend a driver's education course. The student is limited to being absent up to two (2) hours each day for up to four (4) days total. An absence cannot occur during a "core curriculum subject course." As with religious release time, this term is not further defined in the law. Additionally, the policy has been updated to reflect that school districts may no longer report truant students to the Registrar of Motor Vehicles.

Policy 5223 - Released Time for Religious Instruction ("RTRI") (Revised)

The Budget Bill further amended RC 3313.6022 ("Released time courses in religious instruction") to now require that board policy authorize participating students to be excused from school to attend RTRI for at least one (1) period per week. However, that policy must also limit released time to no more than two (2) periods in any week for elementary or middle school students. For high school students, release time cannot exceed the amount of time that is equivalent to attending two (2) units of high school credit each week.

The release time statute was further amended to provide that no RTRI policy can prohibit students from "bringing external educational and program materials into school."

This policy has been modified to align with these changes.

Policy 5410 - Promotion, Academic Acceleration, Placement, and Retention (Revised)

Along with other changes to attendance and truancy, HB 96 removed the provision of the law which mandated retention for students who miss at least ten percent (10%) of the school year. The provision that states students who fail two (2) or more classes must be retained unless the principal and teachers decide otherwise remains. Truancy is no longer attached to this consideration.

Policy 6109 - Acceptance of Payment by Credit Card (NEW)

Districts and ESCs are increasingly utilizing credit card payments as an acceptable mode of paying outstanding balances for fees and services. Recently, representatives from the auditor's office have requested that districts produce board policies which authorize acceptance of payment by credit card. This policy was modified to incorporate requirements and expectations for accepting payment by credit card.

Policy 6152 - Student Fees, Fines, and Charges (Technical Correction)

An option in this policy allows for utilizing credit card payments as an acceptable mode of paying student fees, fines, and charges. If that option is used, the technical correction refers to Policy 6109, which provides the requirements and expectations for accepting such payment by credit card.

Policy 6830 - Audit (Revised)

Current law requires a treasurer to produce an accounting of all money, bonds, and securities of the board at the expiration of their current term or before the board approves surety of the Treasurer. Upon production of accounts, the board or a committee of the board, or alternatively a representative of the auditor of state, is required to count the money. The board is then required to certify and enter the amount into the records of the board. HB 96 strikes the option to delegate the duty to count funds to a representative from the auditor's office. After September 30, 2025, this task must be performed by the board or a committee of the board. Policy 6830 now summarizes this requirement.

Policy 7540.02 - Digital Content and Accessibility (Revised)

Revisions to this policy reflect the U.S. Department of Justice ("DOJ") final rule provisions under Title II of the Americans with Disabilities Act ("ADA") requiring state and local government entities — including public schools — to make web content and mobile applications accessible to individuals with disabilities.

Policy 7541 - Electronic Data Disaster Recovery Plan (DELETE/RESCIND)

Provisions of this policy have been included in Policy 8300 - Continuity of Organizational Operations. There is no need for duplicity in the policy collection.

Policy 8300 - Continuity of Organizational Operations (Revised)

Revisions to this policy reflect provisions of the Cybersecurity Program included in HB 96.

Policy 8305 - Information Security (Revised)

Revisions to this policy reflect provisions of the Cybersecurity Program included in HB 96.

Policy 8400 - School Safety (Revised)

Revisions to this policy include the requirement regarding the 988 Suicide and Crisis Lifeline information, references Policy 5350 - Student Wellness for threats of self-harm and/or suicide, and the HB 96 requirement that Emergency Management Plans include a protocol enabling student use of cellular telephones during an active threat or emergency. Language was added regarding appropriate use of temporary door locking devices.

Policy 8462 - Student Abuse and Neglect (Revised)

In the last biennium budget bill, schools were tasked with providing training in child sex abuse to certain designated staff, including nurses, teachers, administrators, counselors, school psychologists, and mental health providers. The law further specified that the training must be provided by either a law enforcement officer or prosecutor who has experience in handling cases involving sex abuse or child sexual violence. HB 96 modified the law to strike the requirement that the training be provided by law enforcement or prosecutors. It also modified the requirement that the DEW develop model curriculum for the training. School districts are now tasked with developing their own curriculum for youth suicide prevention and child sexual violence in consultation with public or private agencies or persons involved in these areas. PO 8462 incorporates these changes.

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

The Ohio Department of Education and Workforce ("DEW") recently updated transportation regulations, which took effect July 1, 2025. Among the various changes is a provision that expressly permits students to eat or drink on the bus for non-routine trips such as athletic events as long as there is at least one chaperone accompanying the students on the bus. PO 8640 now includes optional language that allows a board of education to sanction this activity.

Policy 9270 - Equivalent Education Outside the Schools & Participation in Extra-Curricular Activities for Students Not Enrolled in the District (Revised)

Several important changes were implemented through HB 96 which pertain to participation of home-educated students, as well as students from other districts or schools, in school programs and activities. PO 9270 has been updated to reflect these changes. The new law clarifies that home-educated special education students may participate in Junior Reserve Officers Training Corps ("JROTC") without being enrolled in the district. Presumably, this language ensures that these students remain eligible for the Jon Peterson or Autism Scholarships. The legislature also revised a law originally passed in 2024 which permitted home-educated students as well as students from other qualifying districts or schools to participate in interscholastic athletics if they had been subject to harassment, intimidation, bullying, or other prohibited acts by a school official, employee, volunteer, or another student. Revisions in HB 96 restrict this practice to home-educated students only. Students from other qualifying districts are no longer eligible.

ADMINISTRATIVE GUIDELINES

AG 2260F - English Learners Proficiency Program (Replacement)

This administrative guideline was rewritten to reflect current terminology, definitions, and components prescribed by the Ohio Department of Education and Workforce.

AG 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities (Revised)

See note on Policy 2266.

AG - 5130 - Withdrawal/Transfer from School (Revised)

See note on Policy 5130.

AG 5200 - Attendance (Revised)

See note on Policy 5200.

AG 5410 - Promotion, Placement, and Retention (Revised)

See note on Policy 5410.

AG 7540.02 - Functionality and Accessibility of Digital Content and Mobile Apps (Revised)

See note on Policy 7540.02.

AG 7541 - Electronic Data Disaster Recovery Plan (DELETE/RESCIND)

See note on Policy 7541.

AG 8300 - Continuity of Organizational Operations Plan (Revised)

See note on Policy 8300.

AG 8305 - Collection, Classification, Retention, Access, and Security of District Data/Information (Revised)

See note on Policy 8305.

AG 8305A - Information Security Responsibilities (Revised)

See note on Policy 8305.

AG 8305B - Cybersecurity Incident Management (Revised)

See note on Policy 8305.

AG 8305C - Notification Cybersecurity Incident (Revised)

See note on Policy 8305.

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 August 21, 2025