



## POLICY REVIEW COMMITTEE

Mike McDonough, Deputy Superintendent  
Friday, March 22, 2024, 9:30 AM, Central Office

HILLIARD CITY SCHOOL DISTRICT  
OPERATIONS DEPARTMENT

### Committee Members

Brian Perry, Board of Education  
Kelley Arnold, Board of Education  
Melissa Swearingen, Treasurer/CFO  
Mike McDonough, Deputy Superintendent  
Jill Abraham, Assistant Superintendent  
Stacie Raterman, Communications Director  
Herb Higginbotham, Director of Elementary Education  
Jacob Grantier, Director of Secondary Education

Jamie Lennox, Special Education Director  
Hilary Sloat, Director of Diversity, Equity & Inclusion  
Matt Middleton, Principal Hilliard Darby HS  
Katherine Hueter, Principal Hilliard Weaver MS  
Matt Trombitas, Asst Principal Hilliard Station Sixth Grade  
Kevin Landon, Principal Avery Elementary  
Monica Campana, Principal Washington Elementary  
Angie Rader, HEA Representative

# AGENDA

#### Agenda Notes

- White copies are OSBA sample policies
- Blue copies are current HCSD policies
- Yellow copies are proposed revisions
- Item Status: M (Move Forward), T (Tabled), R (Refs Only) & N (No Action)

### Section I – Public Participation

- Sign-up forms for public participation will be available prior to the meeting.

### Section II – Policies for Annual Review

1. IGBJ – Title I Programs
2. IGBL – Parent and Family Involvement in Education
  - Both are required policies – HCSD re-adopted July 5, 2017
  - Annual review – no revisions recommended

### Section III – Review of Policies/Regulations/Exhibits – as Requested by District Administration

#### Status

1. KMA – Parent/Citizen Organizations
  - Not a required policy – HCSD re-adopted February 13, 2023
  - Review proposed revisions submitted by Treasurer
  - Add language in **bold type** and remove language with a line drawn through it

### Section IV – Review of Policies/Regulations/Exhibits – OSBA DECEMBER 2023 PDQ

#### Status

1. **UPDATE ON ISSUE 2 AND RECREATIONAL MARIJUANA IN SCHOOLS**  
KGB – Public Conduct on District Property
  - KGB is not a required policy – HCSD re-adopted May 17, 2021

December 2023 PDQ  
Pages 2-3

# POLICY REVIEW COMMITTEE

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### Student Use

- There is currently little concern around the use of cannabis by students in schools as a result of Issue 2 because its language only refers to the use of marijuana by adults.
- Medical marijuana can be “recommended” by a physician but is not a “prescribed” medication, meaning that marijuana cannot simply be administered under a district’s policy on the administration of medication to students

### Staff Use

- As far as marijuana use by district employees, RC 3780.35 covers the rights of employers
- Policy GBP, Drug-Free Workplace, already prohibits both medical and recreational marijuana use.

### Community Member Use

- RC 3780.33 covers liabilities and immunities related to the adult use of marijuana and contains two provisions that are useful in this area:
  - RC 3780.33(F) states that a landlord may prohibit the consumption of cannabis by combustion, referring to smoking of cannabis as opposed to vaporizing cannabis or consuming it in some other form, if such a prohibition is included in their lease agreement. For this reason, school districts can prohibit the combustion of marijuana on school property in their landlord capacity.
  - RC 3780.33(H)(4) states that no public place will be required to accommodate the use of marijuana by an adult age 21 or older. This means that school districts can choose to not accommodate *any use* of marijuana on school grounds, whether by combustion or some other method, regardless of whether the user is a student, staff member or other individual.
- Policy KGB has been updated to include a clear prohibition on marijuana as well as other substances.
- Add language in **bold-type**

## 2. ADDITIONAL CHANGES TO POLICIES ON EXTRACURRICULAR PARTICIPATION BY HOME-EDUCATED STUDENTS

IGD – Cocurricular and Extracurricular Activities

IGDJ – Interscholastic Athletics

- IGD is a required policy – HCSD re-adopted February 12, 2024
- IGDJ is a required policy – HCSD re-adopted February 12, 2024
- As addressed in the September Policy Development Quarterly (PDQ) issue, House Bill (HB) 33 made significant changes to Ohio’s home education laws. As a result, the provisions of Ohio Revised Code (RC) 3313.5312, which allows home-educated students to participate in extracurricular activities at the school to which they would be assigned, were revised. Students must fulfill the same nonacademic and financial requirements as any other participant, but they no longer have to meet the *same academic* requirements as other students.
- IGD and IGDJ are currently in policy cycle for revisions from the September 2023 PDQ. Updated active policies are not yet available, however, a draft copy of the Board adopted policy is included. With this PDQ, both policies have been updated to remove the term “academic” for the “same criteria” that home-educated students must meet to participate.
- Remove language with a ~~line drawn through it~~

December 2023 PDQ  
Pages 3-4

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## Section V – Review of Policies/Regulations/Exhibits – OSBA FEBRUARY 2024 PDQ

### Status

February 2024 PDQ  
Page 1

#### 1. HB 101 MAKES TECHNICAL CORRECTIONS TO BUDGET BILL PROVISIONS

IGBEA-R – Reading Skills Assessment and Intervention (Third Grade Reading Guarantee)

- IGBEA-R is a required regulation – HCSD re-adopted February 12, 2024

##### Third Grade Reading Guarantee

- Ohio Revised Code (RC) 3301.077 and RC 3313.608 were amended to clarify that DEW is responsible for adopting the reading competencies, instead of the State Board of Education, and granting DEW the ability to review and update standards as necessary.
- In addition to the HB 101 changes, OSBA also made some revisions to strengthen the language and provide clarity around what the current law requires and to remove references to phase-in options that are no longer applicable.
- IGBEA-R is currently in policy cycle for revisions from the September 2023 PDQ. Updated policies are not yet available, however, a draft copy is included.
- Add language in **bold type** and remove language with a ~~line drawn through it~~

## Section VI - Additional Information to Review – OSBA DECEMBER 2023 PDQ

#### 1. OHIO DEPARTMENT OF EDUCATION AND WORKFORCE AND STATE BOARD OF EDUCATION POLICY CHANGES

December 2023 PDQ  
Pages 1-2

- Many policies reference either the State Board or Ohio Department of Education, and each district's policy manual will need to be updated to reflect Ohio's restructured education system. Recognizing the significant volume of updates required, OSBA is prepared to help districts manage this and has established the following process:
  1. Online policy services districts that want OSBA to identify the district-specific board policies that need to be updated due to the State Board and DEW changes must pass a resolution authorizing OSBA to begin the review process. OSBA has prepared a sample resolution for consideration. This resolution is provided with the other policy updates included with this PDQ issue. Once the resolution is adopted by the board, it must be submitted following the standard submission process for policy updates.
  2. Upon receipt of the resolution, our team will create a district-specific chart that indicates, by policy code, terms to be replaced. This chart will be provided to the district along with a second resolution to pass, adopting the changes indicated in the chart. Adopting the chart allows the board to adopt the necessary changes to all the policies *en masse* and authorizes OSBA to make these changes. More details on this process will be provided when districts receive their unique chart and resolution.
- **HCSD approved the resolution at the BOE meeting on January 8, 2024.**
- In a few weeks, OSBA will send a custom chart that outlines the recommended changes related to the DEW transition along with a 2nd resolution. After reviewing the chart, the board will pass the 2nd resolution authorizing OSBA to make those changes on the district's behalf. When we submit the 2nd resolution, OSBA will begin making those changes in our active policy manual.

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## Section VII - Additional Information to Review – OSBA FEBRUARY 2024 PDQ (Board Action Not Required)

### 1. HB 101 MAKES TECHNICAL CORRECTIONS TO BUDGET BILL PROVISIONS

February 2024 PDQ  
Page 1

#### Seizure Plans

- HB 101 modifies RC 3313.7117 to clarify that the plans must include components required by DEW rather than the State Board. No policy changes are necessary to reflect these revisions.

#### Licensing changes

- HB 101 revisions clarify that the State Board is responsible for the criminal records checks and RAPBACK enrollment for these permit holders.
- HB 101 also extends the authority for individuals to teach outside their grade band levels beyond Dec. 23, 2023, per the parameters outlined in RC 3319.22.

February 2024 PDQ  
Pages 2-3

### 2. DEFINITIONS AND PROCEDURES OUTLINED IN HB 68

House Bill (HB) 68, effective April 24, 2024, enacts the Saving Ohio Adolescents from Experimentation (SAFE) Act and the Save Women's Sports Act. The bill establishes several new Ohio Revised Code (RC) sections, setting requirements for gender transition services, counseling and sex-separate sports teams.

#### SAFE Act

- Newly enacted RC 3129.01 includes definitions that are important for understanding the bill's requirements. Districts should review the full text for all the definitions.
- RC 3129.03 prohibits mental health professionals from diagnosing or treating a minor who presents for the diagnosis or treatment of a gender-related condition, as defined by law, without first obtaining the consent of one of the following: at least one parent of the minor individual; at least one legal custodian of the minor; or the minor individual's guardian.
- Prior to diagnosing or treating a minor presenting for diagnosis or treatment of a gender-related condition, the mental health professional must screen them for both:
  - other comorbidities that may be influencing the gender-related condition, including depression, anxiety, ADHD, autism spectrum disorder and other mental health conditions; physical, sexual, mental and emotional abuse and other traumas.

#### Save Women's Sports Act

- HB 68 enacts RC 3313.5320, establishing requirements for single-sex sports teams. Please note, the bill originally codified this new provision as RC 3313.5319, but it has been renumbered as RC 3313.5320, in accordance with authority granted to the Legislative Service Commission director.
- Districts that participate in athletic competitions or events administered by an organization that regulates interscholastic athletic conferences or events must designate interscholastic athletic teams based on the sex of the participants.
- Each school must have separate teams for participants of the female sex within female sports divisions; separate teams for participants of the male sex within male sports divisions; and, if applicable, coed teams for participants of both sexes within coed sports divisions.
- Schools and interscholastic conferences or organizations that regulate interscholastic athletics are prohibited from knowingly allowing individuals of the male sex to participate in athletic teams or competitions designated only for participants of the female sex. The bill does not prohibit students of the opposite sex from participating on teams that are designated as coed or male.
- An agency or political subdivision of the state and any accrediting organization or athletic association that operates or has business activities in the state is prohibited from processing a

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complaint, beginning an investigation or taking any other adverse action against a school or school district for maintaining separate single-sex interscholastic athletic teams or sports. Any school or school district that suffers direct or indirect harm as a result of a violation of this provision has a private cause of action against the entity.

- Under the new provisions, a private cause of action for injunctive relief, damages and any other relief available against the school, district or interscholastic conference can be sought when either apply: a participant is deprived of an athletic opportunity or suffers a direct or indirect harm as a result of a violation of these new requirements; a participant is subject to retaliation or other adverse action by the school, district or conference as a result of reporting a violation of these new requirements.
- Any civil action brought as a result of a violation of the new RC 3313.5320 requirements must be initiated within two years after the date on which the violation occurs. Individuals or organizations that prevail on these claims are entitled to monetary damages, including for any psychological, emotional or physical harm suffered, reasonable attorney's fees and costs, and any other appropriate relief.
- OSBA is continuing to review the new law and is not releasing HB 68 policy updates in this PDQ issue. They are reviewing the intersection of these changes with Title IX and monitoring potential litigation. They will provide a policy update in a future PDQ issue or a special alert. Districts with questions on this law's impact on specific district operations are encouraged to work with their district legal counsel.

February 2024 PDQ  
Pages 3-4

### 3. LEGISLATIVE CHANGES TO FRAUD REPORTING

House Bill (HB) 33 and Senate Bill (SB) 91 both impact district obligations related to fraud reporting. Ohio Revised Code (RC) [117.103](#) requires that the auditor of state (AOS) establish and maintain a system for individuals to report fraud, including misuse and misappropriation of public money by any public office or public official.

- Prior to HB 33, districts were required to provide information about the AOS reporting system to each new employee upon employment with the district. AOS is required to provide a model form to be used for this purpose. These employees had to confirm receipt of the information within 30 days of beginning employment.
- HB 33 modified these requirements. Under the new law, AOS must develop training materials detailing Ohio's fraud reporting system and the means of reporting fraud, waste and abuse that are as concise as practicable. AOS must provide the training material to employees and elected officials of political subdivisions, which includes school districts. In addition to each new employee, now each newly elected official must confirm receipt of this material within 30 days of beginning employment or taking office. The HB 33 changes to RC 117.103 state that current employees and elected officials as of the bill's effective date — Oct. 3, 2023 — must complete the training within 90 days of a date specified by AOS unless good cause exists for noncompliance. The new law also requires that the training be completed after four years moving forward for each employee or elected official.
- Districts are audited on compliance with the requirement to provide employees and public officials with the training materials. Districts should use the model AOS forms to track compliance.
- These changes are important to be aware of as we review the SB 91 revisions to mandatory fraud reporting. Effective March 28, 2024, SB 91 establishes new fraud reporting requirements. Under RC 4113.52, as revised by SB 91, timely notification to AOS via the AOS fraud reporting system or other means must be made by defined individuals if, during their term of office or in

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the course of their employment, they become aware of fraud, theft in office or the misuse or misappropriation of public money. The new provisions apply to any of the following individuals:

- the person is elected to local public office;
  - the person is appointed to or within a local public office;
  - the person has a fiduciary duty to a local public office;
  - the person holds a supervisory position within a local public office;
  - the person is employed by the department or office responsible for processing any revenue or expenses of the local public office.
- The bill further defines “public office” as having the same meaning as in RC 117.01, which is any state agency, public institution, political subdivision, other organized body, office, agency, institution or entity established by the laws of this state for the exercise of any function of government, thus applying the new provisions to school districts.
  - Misappropriation of public money is defined as “knowingly using public money or public property for an unauthorized, improper, or unlawful purpose to serve a private or personal benefit or interest.”
  - Misuse of public money is defined as “knowingly using public money or public property in a manner not authorized by law.”
  - Existing RC 4113.52 requirements for mandatory employee reporting to their employer in certain cases, as well as protections for reporting — more commonly known as “whistleblower protections” — remain largely unchanged by the bill as it relates to their impact on school districts. It must be noted, however, that the requirements to report directly to AOS is a separate notification obligation for individuals subject to the new RC 4113.52 requirements.
  - An AOS bulletin is forthcoming in the spring, addressing the HB 33 and SB 91 changes. After the release of the AOS information, OSBA will provide the appropriate policy updates.

#### 4. HAVE YOU UPDATED YOUR OPEN MEETINGS ACT POLICIES?

February 2024 PDQ  
Pages 4-6

In 2023, OSBA recommended updates to several policies related to Open Meetings Act requirements. A summary of the recommended policy updates is provided below.

##### Meeting notices

- Ohio Revised Code (RC) 121.22(F) requires that every public body — including boards of education — establish by rule a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings.
- Once a board identifies the method that will reach the public, it should be established in board policy.
- It is important to note that RC 121.22(F) applies to boards of education and other “public bodies,” which include “any board, commission, committee, council or similar decision-making body of ... a school district.”
- By law, districts must have a district records commission that revises and reviews schedules of records retention; reviews applications for one-time disposal of obsolete records; and reviews certificates of disposal submitted by any district employee. The commission is composed of the board president, treasurer and superintendent and must meet at least once every 12 months. As a “public body,” the commission’s meetings are subject to the Open Meetings Act and must be properly noticed and open to the public. The commission must also promptly prepare, file and maintain minutes of its meetings.

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- Policies on records commissions must establish a rule identifying the method that will be used to notify the public of the time and place of their regularly scheduled meetings and the time, place and purpose of their special meetings.
- OSBA updated policy BDDA, Notification of Meetings, in 2023. Language was added requiring that the board post advance notice of its meetings on the district's website.
- OSBA also updated Policy EHA, District Records Commission, Records Retention and Disposal, in 2023 to require that the records commission post advance notice of its meetings on the district's website.

### Minutes

- Boards of education are required to promptly prepare, file and maintain minutes of their regular and special meetings. Minutes must contain sufficient facts and information to permit the public to understand and appreciate the rationale behind the board's decisions and reflect the general subject matter of executive session discussions.
- RC 3313.26 requires that the board read each meeting's minutes "at the next succeeding meeting" and make any necessary corrections before adoption. One Ohio court wrote that the legislature intended the meeting minutes to be read, corrected and approved at the next meeting of the board, be it a special or regular meeting, because that is the time when the matter of the whole proceedings is fresh in the minds of the board members and the time when they are best able to make corrections and approve minutes.
- A board of education may waive the reading of its minutes, provided that the minutes have been distributed to the board members at least two days prior to the date of the next succeeding meeting and that the minutes are made available to the public and news media. The board's resolution to waive the reading of the record is in effect until it is amended or rescinded by the board.
- In 2023, OSBA updated Policy BDDG, Minutes, to more closely match the language in RC 121.22 and 3313.26 and case law regarding the board's responsibility to prepare, file and maintain minutes. The policy also included permissive language for a board that chooses to waive the reading of its meeting minutes that obligates the board to comply with the requirements associated with this waiver.

### 5. WHAT TO EXPECT IN POLICY DEVELOPMENTS IN 2024

February 2024 PDQ  
Pages 6-7

- Ohio Administrative Code (OAC) changes - As the changes to the Ohio Department of Education and Workforce are enacted due to House Bill (HB) 33, OSBA is closely monitoring the rule-making process and will provide necessary policy updates in future PDQ issues.
- Cybersecurity: Since cybersecurity is a growing area of concern, OSBA's policy team is crafting board policy language on this topic.
- Artificial intelligence (AI): OSBA continues to monitor guidance on AI and engage with policy counterparts around the U.S. to determine whether board policy on this topic will be beneficial and, if so, what that looks like. They are closely reviewing the recently released [AI Education Toolkit for K-12 Educators](#) as they prepare policy recommendations.
- Potential legislation: As OSBA works with their legislative team to monitor pending legislation and policy implications, they are monitoring several areas, including potential updates to some budget bill provisions.
- Title IX: The federal process has been delayed, so OSBA continues to monitor the federal rule-making process.





Book	Policy Manual
Section	Section I: Instruction
Title	Title I Programs
Code	IGBJ
Status	Active
Adopted	August 14, 2001
Last Revised	July 5, 2017
Prior Revised Dates	09/23/2002, 07/26/2004, 10/13/2008, 01/14/2013, 05/11/2015

### **Title I Programs**

The Title I program is based on an annual assessment of educational needs. This assessment includes identification of educationally deprived children in the public and private schools in this District. Title I services are provided to all eligible, educationally deprived students.

The Board believes parent and family involvement is a vital part of the Title I program. The Superintendent/designee jointly develops with and distributes to parents of children participating in Title I programs within the District a written parent and family involvement policy and guidelines. The written parent and family involvement policy includes a School-Parent Compact jointly developed by the school and the parents. The requirements of the policy, compact and guidelines are consistent with Federal and State law.

Parent and family involvement includes, but is not limited to, parent and family contribution to the design and implementation of programs under this title, development of support and improvement plans, participation by parents and family members in school activities and programs, and training and materials that build parents' and family members' capacity to improve their children's learning in both the home and the school. To build a partnership between home and school, the District:

1. informs the parents and family members of the program, the reasons for their children's participation and the specific instructional objectives;
2. trains parents and family members to work with their children to attain instructional objectives;
3. trains teachers and other staff involved in programs under this title to work effectively with the parents and family members of participating students;
4. develops partnerships by consulting with parents and family members regularly;
5. provides opportunities for parents and family members to be involved in the design, operation and evaluation of the program and
6. provides opportunities for the full participation of parents and family members who lack literacy skills or whose native language is not English.

Title I funds are used only to augment, not to replace, state and local funds. The Board uses these funds to provide equivalent or comparable educational services in all schools receiving Title I assistance.



## Legal

Elementary and Secondary Education Act; 20 USC 1221 et seq.

OAC 3301-35-04

OAC 3301-35-05

OAC 3301-35-06

OAC 3301-35-07



## Cross References

AC - Nondiscrimination

IE - Organization of Facilities for Instruction

IGBA - Programs for Students With Disabilities

IGBI - English Learners

IGBL - Parent and Family Involvement in Education

JB - Equal Educational Opportunities





Book	Policy Manual
Section	Section I: Instruction
Title	Parent and Family Involvement in Education
Code	IGBL
Status	Active
Adopted	August 14, 2001
Last Revised	July 5, 2017
Prior Revised Dates	10/13/2008, 05/11/2015

### **Parent and Family Involvement in Education**

The Board believes that parent and family involvement is an important part of the educational program. Current research indicates that a home-school partnership and greater involvement on the part of parents and families in the education of their children generally result in higher achievement scores, improved student behavior and reduced absenteeism. All parents/guardians, family members and foster caregivers are encouraged to take an active role in the education of their children or foster children.

The Board directs the administration to develop along with parents/guardians, family members and foster caregivers the necessary regulations to ensure that this policy is followed and that parent and family involvement is encouraged. The regulations are to:

1. encourage strong home-school partnerships;
2. provide for consistent and effective communication between parents/guardians and family members or foster caregivers and school officials;
3. offer parents/guardians and family members or foster caregivers ways to assist and encourage their children or foster children to do their best and
4. offer ways parents/guardians and family members or foster caregivers can support classroom learning activities.

In addition, building administrators/designees of schools receiving Title I funds will jointly develop with and distribute to parents of children participating in Title I programs a parent and family involvement policy and guidelines. The requirements of the policy and guidelines are consistent with Federal and State law.

CROSS REFS.: Student Handbooks

Legal                    Elementary and Secondary Education Act; 20 USC 1221 et seq.  
ORC 3313.472  
ORC 3313.48  
OAC 3301-35-02

OAC 3301-35-04

OAC 3301-35-06

Cross References

IGBI - English Learners

IGBJ - Title I Programs





Book	Policy Manual
Section	Section K: School-Community Relations
Title	Parent/Citizen Organizations
Code	KMA
Status	Active
Adopted	August 14, 2001
Last Revised	February 13, 2023
Prior Revised Dates	01/22/2007, 07/09/2013, 05/11/2015, 5/17/2021

### **Parent/Citizen Organizations**

The Board recognizes and appreciates the efforts of all organizations whose objectives are to enhance the educational, extracurricular and athletic experiences of District students.

All support organizations shall have equal access to District facilities used in fundraising activities (i.e., concessions areas, advertising, etc.). Guidelines will determine use of District facilities, including, but not limited to, building, property, athletic facilities, buses, name, trademarks, copyrights, etc. Each organization shall abide by the policies and guidelines established for the use of District facilities and grounds.

Representatives and members of approved support organizations shall in all circumstances be treated by District employees as interested friends of the schools and as supporters of public education in the District.

Staff members are encouraged to join such organization(s) in their related area(s) of specialization or interest, but not hold the position of treasurer or handle funds belonging to the organization.

Any new support organization desiring to use the name, logo or good offices of the District must first obtain the approval of the Treasurer/designee as a prerequisite to organizing. The Board requires any authorized support organization to purchase coverage under the District's liability insurance program at cost to the organization to protect the entity against legal claims resulting from damage or injury resulting from any act or omission.

At cost to the support organization, the District will purchase an employee dishonesty bond for officers of the organization to protect the funds in the event of a covered loss.

In accordance with Board policy, all District-support organizations are to abide by the following guidelines:

1. Each District-support organization must:

- A. clearly communicate in their fundraising activities that they do not represent the District but do support a particular District activity.
- B. understand that student participation on athletic teams or in cocurricular activities is completely independent of any fundraising activities. Parents, students and interested parties participation in fundraising activities cannot be used in any way to adversely impact student participation.
- C. appoint a District administrator or faculty member to be included on the organization's advisory board. Any student involvement in the conduct of the organization's activities is subject to the approval of the bylaws.



- D. expend funds in ways that are consistent with the stated purpose of the organization. At least 70% of all collected funds are spent on student activities directly related to the express purpose of their bylaws.
  - E. not make purchases represented as District expenditures and not use identification numbers of the District such as tax I.D. number, purchase order numbers, sales tax exemption forms or any other District tax status designations.
  - F. make donations to the District in accordance with Board Policy KH (Public Gifts to the District) and the accompanying guidelines.
2. Bylaws of the organization must clearly state:
- A. the purpose of the organization, which must be to benefit the students of the District in an activity the support group is promoting;
  - B. the name of the support organization;
  - C. the procedure for the election of officers and the length of terms and
  - D. that there will be at least a president, secretary and treasurer of the organization elected.
3. Annually, each District-support organization must provide the Treasurer/designee with a:
- A. copy of its most recent Form 990 or Form 990EZ;
  - B. a certificate indicating that filing requirements with the Ohio Attorney General have been met;
  - C. list of current officers and contact information;
  - D. list of proposed fundraising activities for the ensuing school year and
  - E. copy of their most recent charter documents (if they have been changed).
4. Each organization agrees to abide by the following minimum good accounting and internal control practices:
- A. Monies collected by or remitted to the Treasurer shall be deposited
    - i. If more than \$1,000, monies should be deposited on the next business day after the day of receipt.
    - ii. If less than \$1,000 monies should be deposited no more than three business days after the day of receipt.
  - B. The organization shall have a written guideline indicating which officers are authorized to draw checks and that a monthly accounting to the Treasurer is required for any officer drawing checks for the organization.
  - C. The organization shall prepare a monthly financial statement that is in balance with the bank. A copy of the reconciled bank statement and the financial report indicating that the organization is in balance must be provided to the officers of the organization on a monthly basis.
  - D. The organization will develop a records retention schedule, at a minimum for all financial records, that will maintain these records for at least five years. This will include a copy of IRS filings, State Attorney General filings, and monthly financial statements.
5. On or before December 1st, the Treasurer/designee shall approve and notify each District-support organization that meets all the above criteria. Any District-support organization, which fails to comply with all requirements as stated herein will have their Board support rescinded.

Legal

[ORC 3313.17](#)

[ORC 3313.20](#)

[ORC 3313.36](#)

[ORC 3313.47](#)

[Ohio Ethics Commission Advisory Opinion 2008-01](#)



## Cross References

AE - School District Goals and Objectives

KG - Community Use of School Premises (Equal Access)

KGB - Public Conduct on District Property

KH - Public Gifts to the District

KI - Public Solicitations in the Schools

KJ - Advertising in the Schools



Book	Policy Manual
Section	Section K: School-Community Relations
Title	Copy of Parent/Citizen Organizations
Code	KMA
Status	
Adopted	August 14, 2001
Last Revised	February 13, 2023
Prior Revised Dates	01/22/2007, 07/09/2013, 05/11/2015, 5/17/2021

### Parent/Citizen Organizations

The Board recognizes and appreciates the efforts of all organizations whose objectives are to enhance the educational, extracurricular and athletic experiences of District students.

All support organizations shall have equal access to District facilities used in fundraising activities (i.e., concessions areas, advertising, etc.). Guidelines will determine use of District facilities, including, but not limited to, building, property, athletic facilities, buses, name, trademarks, copyrights, etc. Each organization shall abide by the policies and guidelines established for the use of District facilities and grounds.

Representatives and members of approved support organizations shall in all circumstances be treated by District employees as interested friends of the schools and as supporters of public education in the District.

Staff members are encouraged to join such organization(s) in their related area(s) of specialization or interest, but not hold the position of treasurer or handle funds belonging to the organization.

Any new support organization desiring to use the name, logo or good offices of the District must first obtain the approval of the Treasurer/designee as a prerequisite to organizing. The Board requires any authorized support organization to purchase coverage under the District's liability insurance program at cost to the organization to protect the entity against legal claims resulting from damage or injury resulting from any act or omission.

At cost to the support organization, the District will purchase an ~~employee dishonesty bond~~ **insurance policy with crime coverage** for officers of the organization to protect the funds in the event of a covered loss.

In accordance with Board policy, all District-support organizations are to abide by the following guidelines:

1. Each District-support organization must:

- A. clearly communicate in their fundraising activities that they do not represent the District but do support a particular District activity.
- B. understand that student participation on athletic teams or in cocurricular activities is completely independent of any fundraising activities. Parents, students and interested parties participation in fundraising activities cannot be used in any way to adversely impact student participation.
- C. appoint a District administrator or faculty member to be included on the organization's advisory board. Any student involvement in the conduct of the organization's activities is subject to the approval of the bylaws.



- D. expend funds in ways that are consistent with the stated purpose of the organization. At least 70% of all collected funds are spent on student activities directly related to the express purpose of their bylaws.
  - E. not make purchases represented as District expenditures and not use identification numbers of the District such as tax I.D. number, purchase order numbers, sales tax exemption forms or any other District tax status designations.
  - F. make donations to the District in accordance with Board Policy KH (Public Gifts to the District) and the accompanying guidelines.
2. Bylaws of the organization must clearly state:
- A. the purpose of the organization, which must be to benefit the students of the District in an activity the support group is promoting;
  - B. the name of the support organization;
  - C. the procedure for the election of officers and the length of terms and
  - D. that there will be at least a president, secretary and treasurer of the organization elected.
3. Annually, each District-support organization must provide the Treasurer/designee with a:
- A. copy of its most recent Form 990 or Form 990EZ;
  - B. a certificate indicating that filing requirements with the Ohio Attorney General have been met;
  - C. list of current officers and contact information;
  - D. list of proposed fundraising activities for the ensuing school year and
  - E. copy of their most recent charter documents (if they have been changed).
4. Each organization agrees to abide by the following minimum good accounting and internal control practices:
- A. Monies collected by or remitted to the Treasurer shall be deposited
    - i. If more than \$1,000, monies should be deposited on the next business day after the day of receipt.
    - ii. If less than \$1,000 monies should be deposited no more than three business days after the day of receipt.
  - B. The organization shall have a written guideline indicating which officers are authorized to draw checks and that a monthly accounting to the Treasurer is required for any officer drawing checks for the organization.
  - C. The organization shall prepare a monthly financial statement that is in balance with the bank. A copy of the reconciled bank statement and the financial report indicating that the organization is in balance must be provided to the officers of the organization on a monthly basis.
  - D. The organization will develop a records retention schedule, at a minimum for all financial records, that will maintain these records for at least five years. This will include a copy of IRS filings, State Attorney General filings, and monthly financial statements.
5. On or before December 1st, the Treasurer/designee shall approve and notify each District-support organization that meets all the above criteria. Any District-support organization, which fails to comply with all requirements as stated herein will have their Board support rescinded.

**Each District support organization shall require its president and treasurer to complete training requirements provided by the Ohio Attorney General Charitable University, and to maintain Charitable University certification with the Ohio Attorney General at all times while serving in the roles of president and treasurer.**

ORC 3313.36

ORC 3313.47

Ohio Ethics Commission Advisory Opinion 2008-01

Cross References

AE - School District Goals and Objectives

KG - Community Use of School Premises (Equal Access)

KGB - Public Conduct on District Property

KH - Public Gifts to the District

KI - Public Solicitations in the Schools

KJ - Advertising in the Schools



## POLICY REVIEW COMMITTEE

Mike McDonough, Deputy Superintendent  
Friday, March 22, 2024, 9:30 AM, Central Office

HILLIARD CITY SCHOOL DISTRICT  
OPERATIONS DEPARTMENT

### OHIO SCHOOL BOARDS ASSOCIATION POLICY DEVELOPMENT QUARTERLY

DECEMBER 2023 ISSUE

#### **OHIO DEPARTMENT OF EDUCATION AND WORKFORCE AND STATE BOARD OF EDUCATION POLICY CHANGES**

*by Kenna S. Haycox, deputy director of board and management services*

When the September issue of PDQ was released, the language in House Bill (HB) 33 related to the State Board of Education and the new Ohio Department of Education and Workforce (DEW) was temporarily on hold due to pending litigation. Since then, a judge has ruled that the state can proceed with the education governance changes laid out in HB 33. Districts should review [DEW's website](#) for more information on how the transition will impact districts.

Under the restructuring, the State Board retains authority in the following areas:

- hiring a superintendent of public instruction to serve as the executive officer of the State Board;
- adopting requirements for educator licensure;
- processing and issuing educator licenses;
- investigating and resolving educator misconduct complaints;
- evaluating background checks, evaluating eligibility for licensure and participating in the retained applicant fingerprint database program;
- determining school district territory transfer disputes;
- administering the teacher and school counselor evaluation systems;
- overseeing the Ohio Teacher of the Year program;
- interfacing with and providing staff support to the Educator Standards Board.

DEW is responsible for primary, secondary, special and career-technical education in Ohio other than those areas that fall under the authority of the State Board. Under HB 33, some responsibilities will transfer to the newly created Ohio Department of Children and Youth. This process will be phased in, and districts should continue to review information provided by DEW. More information on these transitions is available [here](#).

#### *Policy implications*

Many policies reference either the State Board or Ohio Department of Education, and each district's policy manual will need to be updated to reflect Ohio's restructured education system. Recognizing the significant volume of updates required, OSBA is prepared to help districts manage this process. To lessen the burden for our online policy services clients, we have established the following process:

1. Online policy services districts that want OSBA to identify the district-specific board policies that need to be updated due to the State Board and DEW changes must pass a resolution authorizing OSBA to begin the review process. OSBA has prepared a sample resolution for consideration. This resolution is provided with the other policy updates included with this PDQ issue. Once the resolution is adopted by the board, it must be submitted following the standard submission process for policy updates.
2. Upon receipt of the resolution, our team will create a district-specific chart that indicates, by policy code, terms to be replaced. This chart will be provided to the district along with a second resolution to pass, adopting the changes indicated in the chart. Adopting the chart allows the board to adopt the necessary changes to all the policies *en masse* and authorizes OSBA to make these changes. More details on this process will be provided when districts receive their unique chart and resolution.



Please recognize that it will take time to process these updates for districts. We appreciate your patience throughout this process. Questions on this process can be sent to the policy team at [policyupdates@ohioschoolboards.org](mailto:policyupdates@ohioschoolboards.org).

PDQ-only clients who do not contract with OSBA policy services can contact [policyupdates@ohioschoolboards.org](mailto:policyupdates@ohioschoolboards.org) for a generic chart of changes related to the transition.

## **UPDATE ON ISSUE 2 AND RECREATIONAL MARIJUANA IN SCHOOLS**

*by Gamy Narvaez, policy consultant*

In November, Ohioans voted “yes” on Issue 2, making Ohio the 24th state to legalize marijuana for recreational use. Among the laundry list of questions and concerns related to the legalization of marijuana is, “What will happen to drug use in schools?” What options do school districts have to handle recreational marijuana use among students, staff and community members on school grounds? This article provides a high-level overview of changes to the law introduced by Issue 2 and related policy implications for school districts.

Issue 2 enacted a new section of the Ohio Revised Code (RC) to cover provisions related to adult cannabis use and controls, [Chapter 3780](#). As a preliminary note, lawmakers from both sides of the aisle have announced plans to draft and pass further marijuana legislation. With that in mind, analysis of Issue 2 and its impact on school policy is subject to change. OSBA will monitor proposed legislation and provide updates as necessary, but we recommend that districts stay informed on the latest developments in the meantime.

### **Student use**

Fortunately, there is currently little concern around the use of cannabis by students in schools as a result of Issue 2 because its language only refers to the use of marijuana by adults. The [certified language of Issue 2](#) as passed states that RC Chapter 3780 would legalize the “cultivation, processing, sale, purchase, possession, home grow, and use of cannabis by adults” age 21 and older. If students and staff request to use medical marijuana in schools or have it administered by school staff and you have additional questions, please refer to our previous medical marijuana guidance in the July 2018 issue of School Management News (SMN) and the [November 2018 issue of Policy Development Quarterly \(PDQ\)](#). In past coverage we clarified that medical marijuana can be “recommended” by a physician but is not a “prescribed” medication, meaning that marijuana cannot simply be administered under a district’s policy on the administration of medication to students. Finally, remember that marijuana is still considered an illegal controlled substance under federal law, and school districts must continue to comply with federal requirements for drug-free schools.

### **Staff use**

As far as marijuana use by district employees, RC [3780.35](#), effective Dec. 7, covers the rights of employers. Notably, it clarifies that nothing in RC Chapter 3780 does any of the following:

- requires an employer to permit or accommodate an employee's use, possession or distribution of adult-use cannabis (marijuana) otherwise in compliance with this chapter;
- prohibits an employer from refusing to hire, discharging, disciplining or otherwise taking an adverse employment action against an individual with respect to hire, tenure, terms, conditions or privileges of employment because of that individual's use, possession or distribution of cannabis otherwise in compliance with this chapter;
- prohibits an employer from establishing and enforcing a drug-testing policy, drug-free workplace policy or zero-tolerance drug policy;
- interferes with any federal restrictions on employment, including the regulations adopted by the U.S. Department of Transportation in Title 49 of the Code of Federal Regulations, as amended;

- permits an individual to commence a cause of action against an employer for refusing to hire, discharging, disciplining, discriminating, retaliating or otherwise taking an adverse employment action against an individual with respect to hire, tenure, terms, conditions or privileges of employment related to the individual's use of cannabis;
- affects the authority of the administrator of workers' compensation to grant rebates or discounts on premium rates to employers that participate in a drug-free workplace program established in accordance with rules adopted by the administrator under RC Chapter 4123.

The same section also states that an individual who is discharged from employment because of cannabis use is considered to have been discharged for just cause if the individual's use of cannabis violated an employer's drug-free workplace policy, zero-tolerance policy or other formal program or policy regulating the use of cannabis.

RC [4123.54](#) also states, in reference to workers' compensation, that workers are ineligible for benefits if they were found to be under the influence of marijuana at the time of an incident and that the influence of marijuana was the proximate cause of the injury. Furthermore, the Ohio Bureau of Workers' Compensation has previously stated that it will not pay for patient access to marijuana even if it is tied to a workers' compensation claim. While the revisions made to RC 4123.54 were originally in response to medical marijuana, no reference to marijuana in the provision distinguishes between medical marijuana "recommended" by a physician and recreational marijuana.

### **Community member use**

The area with the least guidance is what schools can do about community members and other visitors who attempt to use marijuana on school grounds. Even without much guidance in application, RC 3780.33 covers liabilities and immunities related to the adult use of marijuana and contains two provisions that are useful in this area. First, RC 3780.33(F) states that a landlord may prohibit the consumption of cannabis by combustion, referring to smoking of cannabis as opposed to vaporizing cannabis or consuming it in some other form, if such a prohibition is included in their lease agreement. For this reason, school districts can prohibit the combustion of marijuana on school property in their landlord capacity. Second, RC 3780.33(H)(4) states that no public place will be required to accommodate the use of marijuana by an adult age 21 or older. This means that school districts can choose to not accommodate *any use* of marijuana on school grounds, whether by combustion or some other method, regardless of whether the user is a student, staff member or other individual.

### ***Policy implications***

In many ways, the guidance OSBA provided related to medical marijuana is still relevant after the passage of Issue 2. Our policies required only very slight updates. Policy GBP, Drug-Free Workplace, already prohibits both medical and recreational marijuana use.

To help districts clearly prohibit community member marijuana use on district property, policy KGB, Public Conduct on District Property, has been updated to include a clear prohibition on this as well as other substances.

As you work with your policy team to update your manual regarding the possession and use of marijuana, consider how your negotiated agreements handle the testing, use and possession of drugs by employees. After revising any policies, please update handbooks and other policy documents to reflect those changes.

### **ADDITIONAL CHANGES TO POLICIES ON EXTRACURRICULAR PARTICIPATION BY HOME-EDUCATED STUDENTS**

*by Kenna S. Haycox, deputy director of board and management services*

As addressed in the September Policy Development Quarterly (PDQ) issue, House Bill (HB) 33 made significant changes to Ohio's home education laws. As a result, the provisions of Ohio Revised Code (RC) [3313.5312](#), which allows home-educated students to participate in extracurricular activities at the school to which they would be assigned, were revised. Students must fulfill the same nonacademic and financial requirements as any other participant, but they no longer have to meet the *same academic* requirements as other students. Instead, RC 3313.5312 defines the process for determining home-educated student eligibility.

If a student did not receive home education in the preceding grading period, their academic performance during the preceding grading period must meet any academic standards for eligibility to participate in the program established by the school district.

Eligibility for a student who leaves a school district mid-year for home education must be determined based on an interim academic assessment issued by the district in which the student was enrolled based on the student's work while enrolled in that district.

Any student who commences home education after the beginning of a school year and who, at the time home education commences, is ineligible to participate in an extracurricular activity due to failure to meet academic standards or any other requirements of the district, is prohibited from participating in the extracurricular activity until the student meets the applicable academic requirements as verified by the superintendent. No home-educated student participating under the provisions of RC 3313.5312 is eligible to participate in the same semester in which the student was determined ineligible.

#### *Policy implications*

Policies IGD, Cocurricular and Extracurricular Activities, and IGDJ, Interscholastic Athletics, have been updated to remove the term "academic" for the "same criteria" that home-educated students must meet to participate. Policy IGDK, Interscholastic Extracurricular Eligibility, as released with the September issue, includes the academic criteria outlined above; no additional revisions are necessary.

#### Cross References

IGD - \*\*OSBA Sample\*\* Cocurricular and Extracurricular Activities

IGDJ - \*\*OSBA Sample\*\* Interscholastic Athletics

KGB - \*\*OSBA Sample\*\* Public Conduct on District Property

December 2023 - Update Review Form

Updating Quick Reference - Checklist

Resolution - Authorize OSBA to Review Policies -- ODE and SBOE



Book	Policy Manual
Section	Issue 4 of 2023 December PDQ (Revised)
Title	<b>**OSBA Sample**</b> Public Conduct on District Property
Code	KGB
Status	From OSBA

**\*\*This is the OSBA sample policy.\*\***

#### **Public Conduct on District Property**

All persons on District grounds are expected to abide by all applicable laws, local ordinances, Board policies and District and building regulations.

No person on District property may assault, strike, threaten, menace or use improper, indecent or obscene language toward a teacher, instructor, other District employees or students at any time. This prohibition is extended to all athletic officials, coaches and athletes in the District and all visiting teams.

Unless otherwise permitted by law, no person is permitted to bring deadly weapons or dangerous ordnances into a school safety zone.

**No person is permitted to distribute, dispense, possess or use any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcohol or any other controlled substance, as defined in State and/or Federal law, in a school building or upon the campus or grounds at any time.**

No person may disrupt, disturb or interfere with the teaching of any class of students or any other activity conducted in a school building or upon the campus or grounds at any time.

Whoever violates this policy and/or building regulations will be asked to leave the property by whoever is in charge. Should that person refuse, law enforcement officials will be called. If the offender should be a student, the person in charge should report the student to the appropriate principal. The administration cooperates in any prosecution pursuant to the criminal laws of the State and local ordinances.

#### **Good Conduct and Sportsmanship**

The Board recognizes the value of cocurricular and extracurricular activities in the educational process and the values that young people develop when they have the opportunity to participate in an organized activity outside of the classroom.

Students and adults participating in cocurricular and extracurricular activities are expected to demonstrate responsible behavior and good conduct. The Board encourages the development and promotion of sportsmanship in all phases of the educational process, including athletics and all other cocurricular and extracurricular activities. Rules are posted at the entryways to all athletic events for all participants and spectators to review.

#### **Legal References**

Gun-Free Schools Act; 20 USC 7151  
Gun-Free School Zones Act; 18 USC 922  
ORC 2903.13  
ORC 2903.22

ORC 2911.21  
ORC 2917.11  
ORC 2923.1212  
ORC 2923.122  
ORC 3313.20(A)

Cross References:

GBCB, Staff Conduct  
IGD, Cocurricular and Extracurricular Activities  
JFC, Student Conduct (Zero Tolerance)  
KG, Community Use of School Premises (Equal Access)  
KGC, No Tobacco Use on District Property  
KK, Visitors to the Schools

**NOTE:** Ohio Revised Code Section (RC) 3313.20(A) grants all school districts the authority to "make any rules necessary for the government of all persons entering upon school grounds or premises." These rules must "be posted conspicuously at or near the entrance to the school grounds or premises or near the perimeter of the school grounds or premises, if there are no formal entrances, and at the main entrance to each school building."

Because of the unsportsmanlike behavior exhibited by some spectators, districts may want to implement specific rules and regulations for spectators. Rules and regulations should include offenses and consequences for violations.

Ohio's concealed carry gun laws enable an individual with a valid concealed-carry license or temporary emergency license who is either a driver or passenger in a motor vehicle in a school safety zone to have a loaded handgun if one of the following applies: (1) the loaded handgun is in a holster on the person's person; (2) the loaded handgun is in a closed case, bag, box or other container that is in plain sight and that has a lid, cover or closing mechanism; (3) the lid, cover or closing mechanism on the container has a zipper, snap or buckle and must be opened for a person to gain access to the handgun; (4) the loaded handgun is securely encased by being stored in a closed glove compartment or vehicle console or in a case that is locked.

SB 199 revisions to RC 2923.122, effective March 19, 2017, allow a person who has a valid concealed handgun license to leave the firearm in a motor vehicle while in a school safety zone, so long as the vehicle is locked. Senate Bill 215, effective June 13, 2022, made several changes to Ohio's concealed-carry gun laws. The bill allows all "qualifying adults," as defined by RC 2923.111, to carry a concealed handgun without a valid concealed-carry license or temporary emergency license and references to concealed handgun licensees throughout the RC now generally apply to qualifying adults, except where specifically limited. In June 2022, the Ohio Attorney General's office released a guidance document clarifying that SB 215 does not allow a qualifying adult to possess a firearm in a school safety zone in accordance with the provisions outlined above and it remains a felony under both Federal and State law for a permitless carrier to bring a firearm into a school safety zone.

Legal

[Gun-Free Schools Act; 20 USC 7151](#)  
[Gun-Free School Zones Act; 18 USC 922](#)  
[ORC 2903.13](#)  
[ORC 2903.22](#)  
[ORC 2911.21](#)  
[ORC 2917.11](#)  
[ORC 2923.1212](#)  
[ORC 2923.122](#)  
[ORC 3313.20\(A\)](#)





Book	Policy Manual
Section	Section K: School-Community Relations
Title	Public Conduct on District Property
Code	KGB
Status	Active
Adopted	August 14, 2001
Last Revised	May 17, 2021
Prior Revised Dates	07/26/2004, 10/13/2008, 05/11/2015

#### **Public Conduct on District Property**

All persons on District grounds are expected to abide by applicable laws, local ordinances, Board policies and building regulations.

No person on District property may assault, strike, threaten, menace or use improper, indecent or obscene language or harassment toward a teacher, instructor, other employees of the schools, students, general public or individuals with whom the Board does business.

Unless otherwise permitted by law, no person is permitted to bring deadly weapons or dangerous ordnances into a school safety zone.

No person may disrupt, disturb or interfere with the teaching of any class of students or any other activity conducted in a school building or upon the campus or grounds.

Whoever violates the above policy and building regulations will be asked to leave the property by whoever is in charge. Should that person refuse, the police will be called. If the offender should be a student, the person in charge should report the student to the appropriate principal. The administration cooperates in any prosecution pursuant to the criminal laws of the State of Ohio and local ordinances.

#### **Public Conduct at Athletic Events**

The Board wishes to ensure that athletic activities sponsored by the District will be free from disruption and that District employees who coach or assist in the coaching of such activities will, to the fullest extent possible, be free from verbal or physical abuse, threats or intimidation in the performance of their assigned duties. All persons on school grounds will be expected to abide by applicable laws, local ordinances, Board policies and building regulations.

##### **1. Definitions**

For purposes of this policy, the following terms shall have the meanings set forth below:

- A. 'Incident' means an event or circumstance (including but not limited to verbal or physical harassment, assault, abuse, threats or the use of indecent or obscene language or gestures) which presents, in the opinion of the responsible athletic authority, a threat to the safety of any person or which causes the disruption of any athletic event, practice or other activity sponsored by the District.



- B. 'Responsible Athletic Authority' means the highest ranking coach, assistant coach or other District employee (principal, assistant principal or athletic director) having responsibility for or present at any athletic event, practice or other activity sponsored by the District and who is present at the occurrence of an incident.
- C. 'Persons' means any individual causing or participating in an incident. Students subject to the Pupil Discipline Code of the Hilliard City Schools who cause or participate in an incident will be subject to discipline in accordance with the Pupil Discipline Code.

## **2. Rule Regarding Prohibited Conduct**

No person shall cause, participate or otherwise take part in an incident as defined herein. A violation of this rule will result in the imposition of one or more of the response actions set forth in paragraph 3 below.

## **3. Response Actions**

A. Upon the occurrence of an incident, the responsible athletic authority should:

- i. If the incident takes place on the property of the Hilliard City Schools, request the person(s) causing and/or participating in the incident to immediately cease the conduct giving rise to the incident and leave the premises. If such person(s) do not immediately leave the premises, local law enforcement authorities having jurisdiction over the facility should be called and requested to remove such person(s) from the premises.

Under no circumstances should the responsible athletic authority attempt to forcibly remove such person(s) from the premises. If such person(s) causing or participating in an incident are under the age of 18, reasonable efforts should be made to contact the person(s) parents.

Notwithstanding the foregoing, nothing in this policy shall be interpreted to limit the responsible athletic authority's or any other person's right to act in self-defense.

- ii. Submit a written report describing the incident to the Superintendent/ designee. Such report should be filed as soon as possible after the occurrence of the incident and should include, but need not be limited to: (a) the name(s) of the person(s) causing or participating in the incident; (b) the nature and location of the incident; (c) any action taken as a result of the incident; (d) the names of any witnesses to the incident and (e) if the incident included personal threats against any school employee, Board member and/or their families, that fact should be included in the report together with any suggestions offered by such school employee or Board member. A copy of the incident report shall be provided to the administrative staff.

- iii. The incident report may be shared with the visiting school, if appropriate.

B. Upon receipt of a copy of the report describing the incident or upon prior notification, the building principal should:

- i. Investigate the incident and assimilate additional relevant facts, if any, to supplement the incident report. Such additional relevant facts should then be provided to the Superintendent/designee within a reasonable time.

C. Upon receipt of the incident report and any additional relevant facts from the building principal, the appropriate administrative staff should:

- i. Notify the District's attorney of the incident and provide copies of any documents concerning the incident.
- ii. Contact the person(s) to which the incident was directed (i.e., the threatened or assaulted individual(s) in order to verify the facts surrounding the incident and to inform such person(s) of the steps which are being taken by the District.
- iii. Notify the person(s) involved in the incident of the action being taken by the District as a result of the incident. Such notification should be in the form of a letter, sent via registered mail. The notification should designate the assistant superintendent as the 'contact person' with respect to the investigation of the incident and should advise such person(s) that other school representatives have been advised not to comment on the incident.

D. Upon receipt of the incident report and following a conference regarding the incident with the building principal and the assistant superintendent, the Superintendent/designee may take one or more of the following actions:



- i. Notify the law enforcement authorities of the incident and/or oversee the filing of a complaint or criminal charges. This policy shall not be construed to limit the right of a school employee to initiate a civil complaint for damages or to file criminal charges where appropriate.
- ii. Provide additional security measures for the future as may be appropriate. Any expense resulting from the provision of such additional security shall not be paid out of the budget for the Athletic Department.
- iii. After consultation with legal counsel, initiate legal action to obtain a court order barring the person(s) from future attendance at athletic events or from taking any other actions, which might jeopardize the safety of any school employee.
- iv. Refer the matter to the city or county prosecuting attorney, city law director or as otherwise may be appropriate for investigation for possible prosecution under State law or local ordinances.
- v. Take other additional action deemed to be appropriate and reasonable in the opinion of the Superintendent/designee.

Legal

[Gun-Free Schools Act; 20 USC 7151](#)  
[Gun-Free School Zones Act; 18 USC 922](#)  
[ORC 2903.13](#)  
[ORC 2903.22](#)  
[ORC 2911.21](#)  
[ORC 2917.11](#)  
[ORC 2923.1212](#)  
[ORC 2923.122](#)  
[ORC 3313.20\(A\)](#)

Cross References

[GBCB - Staff Conduct](#)  
[IGD - Cocurricular and Extracurricular Activities](#)  
[JFC - Student Conduct \(Zero Tolerance\)](#)  
[KG - Community Use of School Premises \(Equal Access\)](#)  
[KGC - Smoking on District Property](#)  
[KK - Visitors to the Schools](#)



Book	Policy Manual
Section	Issue 4 of 2023 December PDQ (Revised - REQUIRING DISTRICT CUSTOMIZATION)
Title	<b>**OSBA Sample**</b> Cocurricular and Extracurricular Activities
Code	IGD
Status	From OSBA

**\*\*This is the OSBA sample policy.\*\***

### **Cocurricular and Extracurricular Activities**

The purpose of education is to develop the whole person of the student. For this reason an educational program must embody, as an essential element, activities that involve students beyond the classroom and foster the values that result from interaction and united effort. Such activities form a logical extension of the required and general curriculum and the elective or special curriculum.

The Board has established the criteria for cocurricular and extracurricular activities consistent with its philosophy of, and goals for, education. All student activity programs must:

1. have educational value for students;
2. be in balance with other curricular offerings in the schools and be supportive of, and never in competition with, the academic program and
3. be managed in a professional manner.

The Board may require that students pay reasonable fees to participate in cocurricular and extracurricular activities.

The following guidelines govern the student activity programs.

1. Student activities are those school-sponsored activities that are voluntarily engaged in by students, have the approval of the school administration and do not carry credit toward promotion or graduation.
2. Each school, under the direction of the principal and professional staff, has a student activity program designed to stimulate student growth and development by supplementing and enriching the curricular activities. All receipts and expenditures are accounted for through the activity account.
3. Each activity should be designed to contribute directly to the educational, civic, social and ethical development of the students involved.
4. The student activity program receives the same attention in terms of philosophy, objectives, social setting, organization and evaluation as that given the regular school curriculum.
5. Each school develops written guidelines and procedures regulating the creation, organization, administration and dissolution of student activity programs. The Superintendent reports annually to the Board the general purposes, plans and financial status of the cocurricular and extracurricular programs of the District.
6. The expenses involved in participating in any school activity and in the total program for a school year should be set so that a majority of the students may participate without financial strain. Special consideration may be given in



cases in which the expense of participating would result in exclusion.

7. Activities must be open to all students, regardless of race, color, national origin, ancestry, citizenship status, religion, sex, economic status, age, disability or military status.
8. Activities must not place undue burdens upon students, teachers or schools.
9. Activities should not interfere with regularly scheduled classes. This limitation often requires conducting such activities beyond the regular school day, if possible.
10. Activities at any level should be unique, not duplications of others already in operation.
11. Students participating in cocurricular and extracurricular activities are expected to demonstrate responsible behavior and good conduct. The Board encourages the development and promotion of sportsmanship in all phases of the educational process, including athletics and all other cocurricular and extracurricular activities.
12. Students suspended and expelled from school are banned from extracurricular activities. Students may also be suspended from extracurricular activities for violations of the student code of conduct or the code of conduct of the particular activity in which they participate. Students absent from school are not permitted to participate in extracurricular activities on that date.
13. Annually, the Board directs the Superintendent/designee to identify supplemental contract positions that supervise, direct or coach a student activity program that involves athletic, routine/regular physical activity or health and safety considerations. Upon the identification of the position, the individual must complete the requirements established by the Ohio Department of Education and State law.
14. Students may be expelled for up to one year for firearm-related or knife-related incidents occurring off school property while at an interscholastic competition, extracurricular event or other school-sponsored activity.
15. Students may be removed from extracurricular activities when their presence poses a continuing danger to persons or property or an ongoing threat of disruption. If a student is removed from extracurricular activities, such removal may include all extracurricular activities in which the student is involved.
16. Resident students enrolled in community schools are permitted to participate in the District's extracurricular activities, including interscholastic athletics at the school to which the student would be assigned. Students must be of the appropriate age and grade level as determined by the Superintendent, and must fulfill the same academic, nonacademic and financial requirements as any other participant.
17. Resident students attending STEM and STEAM schools are permitted to participate in the District's extracurricular activities, including interscholastic athletics, at the school to which the student would be assigned. Students must be of the appropriate age and grade level as determined by the Superintendent, and must fulfill the same academic, nonacademic and financial requirements as any other participant.
18. Resident students attending a nonpublic school are permitted to participate in the District's extracurricular activities, including interscholastic athletics, at the school to which the student would be assigned if the nonpublic school the student is enrolled in does not offer the extracurricular activity. Students must be of the appropriate age and grade level as determined by the Superintendent and must fulfill the same academic, nonacademic and financial requirements as any other participant.
19. Resident students receiving home education in accordance with State law are permitted to participate in the District's extracurricular activities, including interscholastic athletics, at the school to which the student would be assigned. Students must be of the appropriate age and grade level as determined by the Superintendent and must fulfill the same ~~academic~~, nonacademic and financial requirements as any other participant.

*(Permissive language)*

A student attending a nonpublic, community, STEM or STEAM school who is not entitled to attend school in the District may be authorized by the Superintendent to participate in an extracurricular activity offered by a school of the District. The activity must be one the school the student is enrolled in does not offer and may not be interscholastic athletics or interscholastic contests or competitions in music, drama or forensics.

A student attending a nonpublic school located in the District who is not entitled to attend school in the District may be authorized by the Superintendent to participate in an extracurricular activity offered by a school of the District that is interscholastic athletics or interscholastic contests or competitions in music, drama or forensics when:

1. the activity is one the school the student is enrolled in does not offer;
2. the student is not participating in the activity in the student's district of residence;
3. the superintendent of the student's district of residence certifies the student has not participated in any extracurricular activity that is interscholastic athletics or interscholastic contests or competitions in music, drama or forensics in the district for that school year and
4. the Superintendent and the superintendent of the student's district of residence mutually agree in writing to allow the student to participate in the activity.

A student receiving home education in accordance with State law who is not entitled to attend school in the District may be authorized by the Superintendent to participate in an extracurricular activity offered by a school of the District. The activity must be one that the district the student is entitled to attend does not offer.

#### Legal References

ORC 3313.537  
 ORC 3313.5311  
 ORC 3313.5312  
 ORC 3313.5314  
 ORC 3313.58  
 ORC 3313.59  
 ORC 3313.6611  
 ORC 3313.664  
 ORC 3315.062  
 ORC 3319.16  
 ORC 3321.042  
 ORC Chapter 4112  
 OAC 3301-27-01  
 OAC 3301-35-06

#### Cross References

AFI, Evaluation of Educational Resources  
 DJ, Purchasing  
 IGCH (Also LEC), College Credit Plus  
 IGDB, Student Publications  
 IGDC, Student Social Events  
 IGDF, Student Fundraising Activities  
 IGDG, Student Activities Funds Management  
 IGDJ, Interscholastic Athletics  
 IGDK, Interscholastic Extracurricular Eligibility  
 JECBC, Admission of Students From Non-Chartered or Home Education  
 JED, Student Absences and Excuses  
 JFCJ, Weapons in the Schools  
 JGD, Student Suspension  
 JGDA, Emergency Removal of Student  
 JGE, Student Expulsion  
 JL, Student Gifts and Solicitations  
 JN, Student Fees, Fines and Charges  
 KGB, Public Conduct on District Property  
 KK, Visitors to the Schools  
 Student Handbooks

**NOTE:** Districts are required to allow resident students enrolled in community schools (House Bill (HB) 487 (2014)), STEM and STEAM schools to participate in the District's extracurricular activities.

*HB 59, effective September 29, 2013, requires districts to allow resident students who are receiving home education to participate in extracurricular activities at the school to which they would be assigned. Districts are also required to allow resident students attending a chartered or non-chartered nonpublic school to participate in extracurricular activities in the school to which the student would be assigned if the activity is one that the nonpublic school they are enrolled in does not offer. Students participating under these provisions must be of the appropriate grade and age level as determined by the superintendent and must meet the same academic, nonacademic and financial requirements as any other student. Districts are prohibited from imposing additional rules or fees on a student participating under these provisions that are not applied to other students participating in the same program.*

*Senate Bill (SB) 3 (2016) added Ohio Revised Code 3313.5314 stating that students attending the District or receiving home education nonpublic school, community school, STEM and STEAM school students otherwise eligible to participate in extracurricular activities in the District cannot be denied the opportunity to participate in extracurricular activities in the District solely because of their participation in CCP. Students still must meet the District eligibility requirements.*

*Districts may allow nonpublic, community, STEM and STEAM school students who are not eligible to enroll in the District the opportunity to participate in an extracurricular activity operated by a school of the District if the activity is one the school the student is enrolled in does not offer, and the activity is not interscholastic athletics or interscholastic competitions in music, drama or forensics. The Superintendent may also allow a student receiving home education not eligible to enroll in the District to participate in an extracurricular activity offered by one of the schools if it is an activity the District in which they are eligible to enroll does not offer.*

*SB 3 (2016) also allows the Superintendent to allow a nonresident student attending a nonpublic school located in the District the ability to participate in an activity that is interscholastic athletics or interscholastic competitions in music, drama or forensics provided certain criteria are met.*

*School districts must count – up to 24 hours per school year as excused absences – time that a student is absent from school for the sole purpose of traveling out of state to participate in a board-approved enrichment activity or an extracurricular activity. The student is required to make up all missed classroom assignments.*

*In addition, if the student will be out of the state for 24 or more consecutive school hours for a board-approved enrichment or extracurricular activity, a classroom teacher employed by the Board must accompany the student to provide instructional assistance.*

*HB 123 (2021) permits, but does not require districts to designate a student-led violence prevention club for each building serving grades six-12. If a club is created it must: be open to all members of the student body; have at least one identified adult advisor; implement and sustain suicide and violence prevention and social inclusion training and awareness activities; and foster opportunities for student leadership development.*

*For boards developing policy without the assistance of an OSBA consultant, this category is useful for general policy on student activities and for establishing definitions.*

***THIS IS A REQUIRED POLICY***

Legal

[ORC 3313.537](#)

[ORC 3313.5311](#)

[ORC 3313.5312](#)

[ORC 3313.5314](#)

[ORC 3313.58](#)

[ORC 3313.59](#)

[ORC 3313.6611](#)

[ORC 3313.664](#)

[ORC 3315.062](#)

[ORC 3319.16](#)

[ORC 3321.04](#)

[ORC Chapter 4112](#)

[OAC 3301-27-01](#)

[OAC 3301-35-06](#)





Book	Policy Manual
Section	Section I: Instruction
Title	Copy of Cocurricular and Extracurricular Activities
Code	IGD
Status	
Adopted	August 14, 2001
Last Revised	May 13, 2019
Prior Revised Dates	01/24/2005, 07/09/2008, 09/28/2009, 04/22/2013, 11/25/2013, 11/24/2014, 05/11/2015, 03/12/2018

### **Cocurricular and Extracurricular Activities**

The purpose of education is to develop the whole student. For this reason an educational program must embody, as an essential element, activities, which involve students beyond the classroom and foster the values that result from interaction and united effort. Such activities form a logical extension of the required and general curriculum and the elective or special curriculum.

The Board has established the criteria for cocurricular and extracurricular activities consistent with its philosophy of, and goals for, education. All student activity programs must:

1. have educational value for students;
2. be in balance with other curricular offerings in the schools and be supportive of, and never in competition with, the academic program and
3. be managed in a professional manner.

The Board may require that students pay reasonable fees to participate in cocurricular and extracurricular activities.

The following guidelines govern the student activity programs.

1. Student activities are those school-sponsored activities which are voluntarily engaged in by students, have the approval of the school administration and do not carry credit toward promotion or graduation.
2. Each school, under the direction of the principal and professional staff, has a student activity program designed to stimulate student growth and development by supplementing and enriching the curricular activities. All receipts and expenditures are accounted for through the activity account.
3. Each activity should be designed to contribute directly to the educational, civic, social and ethical development of the students involved.
4. The student activity program receives the same attention in terms of philosophy, objectives, social setting, organization and evaluation as that given the regular school curriculum.
5. Each school develops written guidelines and procedures regulating the creation, organization, administration and dissolution of student activity programs. The Superintendent/designee reports to the Board the general purposes/description of the cocurricular and extracurricular programs of the District.



6. The expenses involved in participating in any school activity and in the total program for a school year should be set so that a majority of the students may participate without financial strain. Special consideration may be given in cases in which the expense of participating would result in exclusion.
7. Each District-support organization must understand that student participation on athletic teams or in cocurricular activities is completely independent of any fundraising activities. Parents, students and interested parties participation in fundraising activities cannot be used in any way to adversely impact student participation.
8. Activities must be open to all students, regardless of race, ethnicity, national origin, citizenship status, religion, gender, sexual orientation, economic status, age, disability or military status.
9. Activities must not place undue burdens upon students, teachers or schools.
10. Activities do not interfere with regularly scheduled classes. This limitation often requires conducting such activities beyond the regular school day.
11. Activities at any level should be unique, not duplications of others already in operation.
12. Students participating in cocurricular and extracurricular activities are expected to demonstrate responsible behavior and good conduct. The Board encourages the development and promotion of sportsmanship in all phases of the educational process, including athletics and all other cocurricular and extracurricular activities.
13. The activity does not exploit the individual or school for commercial purposes.
14. Students suspended and expelled from school are banned from extracurricular activities. Students may also be suspended from extracurricular activities for violations of the code of conduct or the code of conduct of the particular activity in which they participate. Students absent from school are not permitted to participate in extracurricular activities on that date.
15. Annually, the Board directs the Superintendent/designee to identify supplemental contract positions that supervise, direct or coach a student activity program which involves athletic, routine/regular physical activity or health and safety considerations. Upon the identification of the position, the individual must complete the requirements established by the Ohio Department of Education and State law.
16. Students may be expelled for up to one year for firearm-related or knife-related incidents occurring off school property while at an interscholastic competition, extracurricular event or other school-sponsored activity.
17. Students may be removed from extracurricular activities when their presence poses a continuing danger to persons or property or an ongoing threat of disruption. If a student is removed from extracurricular activities, such removal may include all extracurricular activities in which the student is involved.
18. Resident students enrolled in community schools are permitted to participate in the District's extracurricular activities, including interscholastic athletics, at the school to which the student would be assigned. Students must be of the appropriate age and grade level as determined by the Superintendent, and must fulfill the same academic, nonacademic and financial requirements as any other participant.
19. Resident students attending STEM and STEAM schools are permitted to participate in the District's extracurricular activities, including interscholastic athletics, at the school to which the student would be assigned. Students must be of the appropriate age and grade level as determined by the Superintendent, and must fulfill the same academic, nonacademic and financial requirements as any other participant.
20. Resident students attending a nonpublic school are permitted to participate in the District's extracurricular activities, including interscholastic athletics, at the school to which the student would be assigned if the nonpublic school the student is enrolled in does not offer the extracurricular activity. Students must be of the appropriate age and grade level as determined by the Superintendent and must fulfill the same academic, nonacademic and financial requirements as any other participant.
21. Resident students receiving home ~~schooling~~ **education** in accordance with State law are permitted to participate in the District's extracurricular activities, including interscholastic athletics, at the school to which the student would be assigned. Students must be of the appropriate age and grade level as determined by the Superintendent and must fulfill the same academic, nonacademic and financial requirements as any other participant.
22. Prior to exclusion from participation, the student/parent will be given written notification of the intention to exclude and the reason(s) for the intended exclusion. The student will be afforded the opportunity to appear at an informal hearing to challenge the reason(s) for the intended exclusion. The informal hearing will be held with the coach, advisor designee or administrator. Within 24 hours following exclusion, a letter of notification will be sent to the



parent or guardian specifying the reason for the student participant's exclusion from participation, the period of time for the exclusion and options, if any. The parent or guardian shall be notified by telephone, when possible, of the exclusion from participation.

23. The Intention to Exclude from Participation form will include the notification of the right of the student or his parent(s)/guardian(s) to appeal such action to the Extracurricular Appeal Committee in their respective buildings. The Appeal Committee will consist of two administrators and two teachers. The committee will be appointed and chaired by the building principal.

A written request for appeal must be made within seven days of the date of the Notice of Intention to Exclude from Extracurricular participation. The appeal should be addressed to the principal.

24. The Appeal Committee shall hear the appeal if such is requested. The Appeal Committee may sustain, modify or set aside the exclusion. Written notification of the outcome of the appeal will be provided the parties involved within 24 hours of the hearing.

25. The decision of the Appeal Committee shall be final.

#### **Costs**

All costs for any rehabilitation program or counseling for a tobacco, alcohol or drug problem under these regulations shall be the responsibility of the student.

#### **Definition of Cocurricular and Extracurricular Activities**

Generally speaking, cocurricular activities are an extension of the formal learning experiences in a course or academic program, while extracurricular activities may be offered or coordinated by a school, but may not be explicitly connected to academic learning.

CROSS REFS.: Student Handbooks

#### **Legal**

[ORC 3313.537](#)

[ORC 3313.5311](#)

[ORC 3313.5312](#)

[ORC 3313.5314](#)

[ORC 3313.58](#)

[ORC 3313.59](#)

[ORC 3313.661](#)

[ORC 3313.664](#)

[ORC 3315.062](#)

[ORC 3319.16](#)

[ORC 3321.04](#)

[ORC Chapter 4112](#)

[OAC 3301-27-01](#)

[OAC 3301-35-06](#)

#### **Cross References**

[AFI - Evaluation of Educational Resources](#)

[DJ - Purchasing](#)

[IGCH \(Also LEC\) - College Credit Plus](#)

[IGDB - Student Publications](#)

[IGDC - Student Social Events](#)

[IGDF - Student Fund-Raising Activities](#)

IGDG - Student Activities Funds Management

IGDJ - Interscholastic Athletics

IGDK - Interscholastic Extracurricular Eligibility (Grades 7-12)

JECBC - Admission of Students From State-Chartered, Non-Chartered or Home  
Schooling

JED - Student Absences and Excuses

JFCJ - Weapons in the Schools

JGD - Student Suspension

JGDA - Emergency Removal of Student

JGE - Student Expulsion

JL - Student Gifts and Solicitations

JN - Student Fees, Fines and Charges

KGB - Public Conduct on District Property

KK - Visitors to the Schools

DRAFT





Book	Policy Manual
Section	Issue 4 of 2023 December PDQ (Revised - REQUIRING DISTRICT CUSTOMIZATION)
Title	<b>**OSBA Sample**</b> Interscholastic Athletics
Code	IGDJ
Status	From OSBA

**\*\*This is the OSBA sample policy.\*\***

### **Interscholastic Athletics**

Participation by students in athletic competition is a privilege subject to Board policies and regulations. While the Board takes great pride in winning, it emphasizes and requires good sportsmanship and a positive mental attitude as prerequisites to participation.

The Superintendent and administrative staff schedule frequent conferences with all physical education instructors, coaches and athletic directors to develop a constructive approach to physical education and athletics throughout the District and to maintain a program that is an educational activity.

Interscholastic athletic programs are subject to approval by the Board. The building principal is responsible for the administration of the interscholastic athletic program within his/her school. In discharging this responsibility, the principal consults with the athletic directors, coaches and physical education instructors on various aspects of the interscholastic athletic program. It is the responsibility of the principal and his/her staff to ensure the proper management of all athletic and physical education programs and the safety of students and the public.

The Board may require that students pay reasonable fees to participate in interscholastic athletics.

Coaches are required to complete all approved course work as specified by State law, the Ohio High School Athletic Association (OHSAA) and the Ohio Department of Education in order to qualify to serve as coaches.

In the conduct of interscholastic athletic programs, the rules, regulations and limitations outlined by State law must be followed. Programs regulated by OHSAA must also comply with all eligibility requirements established by the Association. It is the responsibility of the District's voting delegate to OHSAA to advise the management team of all pending changes in OHSAA's regulations.

A student must have the written permission of his/her parent(s) and shall have been determined as physically fit for the chosen sport by a licensed physician.

All students participating in interscholastic athletics must be covered by insurance. This insurance may be available for purchase through the District. If parents choose not to purchase insurance provided by the District, the parent(s) must sign a waiver ensuring that private coverage is provided.

As character building is one of the major objectives of interscholastic athletics, the athlete assumes responsibility for regulating his/her personal life in such ways as to make him/her a worthy representative of his/her school.

Any student may be suspended from an athletic team practice and competition for a period of time, designated by the principal, for infractions of school rules and regulations or for any other unacceptable conduct in or out of school.

Resident students enrolled in community schools are permitted to participate in the District's interscholastic athletics program at the school to which the student would be assigned. Students must be of the appropriate age and grade level as determined by the Superintendent, and must fulfill the same academic, nonacademic and financial requirements as any other participant.

Resident students attending STEM and STEAM schools are permitted to participate in the District's interscholastic athletics program at the school to which the student would be assigned. Students must be of the appropriate age and grade level as determined by the Superintendent, and must fulfill the same academic, nonacademic and financial requirements as any other participant.

Resident students attending a nonpublic school are permitted to participate in the District's interscholastic athletic programs at the school to which the student would be assigned if the nonpublic school in which the student is enrolled does not offer the activity. Students must be of the appropriate age and grade level as determined by the Superintendent and must fulfill the same academic, nonacademic and financial requirements as any other participant.

Resident students receiving home education in accordance with State law are permitted to participate in the District's interscholastic athletic programs at the school to which the student would be assigned. Students must be of the appropriate age and grade level as determined by the Superintendent and must fulfill the same ~~academic~~, nonacademic and financial requirements as any other participant.

*(Permissive language)*

A student receiving home education in accordance with State law who is not entitled to attend school in the District may be authorized by the Superintendent to participate in interscholastic athletic programs offered by a school of the District. The activity must be one the district the student is entitled to attend does not offer.

A student attending a nonpublic school located in the District who is not entitled to attend school in the District may be authorized by the Superintendent to participate in an extracurricular activity offered by a school of the District that is interscholastic athletics or interscholastic contests or competitions in music, drama or forensics when:

1. the activity is one the school in which the student is enrolled does not offer;
2. the student is not participating in the activity in the student's district of residence;
3. the superintendent of the student's district of residence certifies the student has not participated in any extracurricular activity that is interscholastic athletics or interscholastic contests or competitions in music, drama or forensics in the district for that school year and
4. the Superintendent and the superintendent of the student's district of residence mutually agree in writing to allow the student to participate in the activity.

Legal References:

ORC 2305.23  
ORC 2305.231  
ORC 3313.537  
ORC 3313.5310  
ORC 3313.5311  
ORC 3313.5312  
ORC 3313.5314  
ORC 3313.539  
ORC 3313.66  
ORC 3313.661  
ORC 3313.664  
ORC 3315.062  
ORC 3319.303  
ORC 3321.042  
ORC 3707.52  
OAC Chapter 3301-27

Cross References:

IGCH (Also LEC), College Credit Plus  
IGD, Cocurricular and Extracurricular Activities  
IGDK, Interscholastic Extracurricular Eligibility  
IKF, Graduation Requirements  
JECBA, Admission of Exchange Students

JECBC, Admission of Students From Non-Chartered or Home Education  
JGD, Student Suspension  
JGE, Student Expulsion  
JN, Student Fees, Fines and Charges  
Student Handbooks

**NOTE:** Districts are required to allow resident students enrolled in community schools (House Bill (HB) 487 (2014)), STEM and STEAM schools to participate in the District's extracurricular activities.

HB 59, effective September 29, 2013, requires districts to allow resident students who are receiving home education to participate in extracurricular activities at the school to which they would be assigned. Districts are also required to allow resident students attending a chartered or non-chartered nonpublic school to participate in extracurricular activities in the school to which the student would be assigned if the activity is one that the nonpublic school they are enrolled in does not offer. Students participating under these provisions must be of the appropriate grade and age level as determined by the Superintendent and must meet the same academic, nonacademic and financial requirements as any other student. Districts are prohibited from imposing additional rules or fees on a student participating under these provisions that are not applied to other students participating in the same program.

Senate Bill (SB) 3 (2016) added Ohio Revised Code (RC) 3313.5314 stating that students attending the District or nonpublic school, community school, STEM and STEAM school students, or students receiving home education, otherwise eligible to participate in extracurricular activities in the District cannot be denied the opportunity to participate in extracurricular activities in the District solely because of their participation in CCP. Students still must meet the District eligibility requirements.

Districts may allow nonpublic, community, STEM and STEAM school students who are not eligible to enroll in the District the opportunity to participate in an extracurricular activity operated by a school of the District if the activity is one the school the student is enrolled in does not offer, and the activity is not interscholastic athletics or interscholastic competitions in music, drama or forensics. The Superintendent may also allow a student receiving home education not eligible to enroll in the District to participate in an extracurricular activity offered by one of the schools if it is an activity the district in which they are eligible to enroll does not offer.

SB 3 (2016) also allows the Superintendent to allow a nonresident student attending a nonpublic school located in the District the ability to participate in an activity that is interscholastic athletics or interscholastic competitions in music, drama or forensics provided certain criteria are met.

HB 49 (2017) revised language in RC 3313.5310 requiring a student wishing to participate in athletics to submit a form signed by the student and parent stating that both have received and reviewed a copy of the sudden cardiac arrest guidelines. The change requires the form to be submitted once annually, rather than each school year for every athletic activity in which the student participates.

### **THIS IS A REQUIRED POLICY**

Legal

[ORC 2305.23](#)  
[ORC 2305.231](#)  
[ORC 3313.537](#)  
[ORC 3313.5310](#)  
[ORC 3313.5311](#)  
[ORC 3313.5312](#)  
[ORC 3313.5314](#)  
[ORC 3313.539](#)  
[ORC 3313.66](#)  
[ORC 3313.661](#)  
[ORC 3313.664](#)  
[ORC 3315.062](#)  
[ORC 3319.303](#)  
[ORC 3321.04](#)



[ORC 3707.52](#)

[OAC Chapter 3301-27](#)



Book	Policy Manual
Section	Section I: Instruction
Title	Copy of Interscholastic Athletics
Code	IGDJ
Status	
Adopted	August 14, 2001
Last Revised	November 7, 2022
Prior Revised Dates	01/24/2005, 05/12/2008, 10/08/2012, 04/22/2013, 11/25/2013, 05/11/2015, 08/08/2016, 03/12/2018, 11/12/2018, 07/15/2019

### **Interscholastic Athletics**

Participation by students in athletic competition is a privilege subject to Board policies and regulations. While the school community takes great pride in winning, it emphasizes and requires good sportsmanship and positive mental attitude as a prerequisite to participation.

The Superintendent/designee and administrative staff schedule meetings with all coaches and athletic directors to develop a comprehensive approach to physical education and athletics throughout the District and to maintain a program that is an educational activity.

Interscholastic programs are subject to approval by the Board. The athletic director in conjunction with the building principal is responsible for the administration of the interscholastic athletic program within his/her school. In fulfilling this responsibility, the principal consults with the athletic directors and coaches on various aspects of the interscholastic athletic program. It is the responsibility of the athletic director/principal and their staff to ensure the proper management of all athletic and physical education programs and the safety of students and the public.

The Board may require that students pay fees to participate in an extracurricular activity.

Coaches are required to complete all approved coursework as specified by State law, the Ohio High School Athletic Association (OHSAA) and the Ohio Department of Education (ODE) in order to qualify to serve as a coach.

In the conduct of interscholastic athletic programs, the rules, regulations and limitations outlined by the OHSAA must be followed. Programs regulated by OHSAA must also comply with all eligibility requirements established by the Association. It is the responsibility of the District's voting delegate to OHSAA to advise the management team of all pending changes in OHSAA's regulations.

In order to be eligible, students must have passed five credits that count toward graduation during the prior grading period. The five credits may be a combination of high school and college courses. The requirements also include that a student must have the written permission of his/her parent(s) and shall have been determined as physically fit for the chosen sport by a licensed physician.

All students participating in interscholastic athletics must be covered by insurance. This insurance may be available for purchase through the District. If parents choose not to purchase insurance provided by the District, the parent(s) must sign a waiver ensuring that private coverage is provided.



As character building is one of the major objectives of interscholastic athletics, the athlete assumes responsibility for regulating his/her personal life in such ways as make him/her a worthy representative of his/her school.

Any student may be suspended from an athletic team practice and competition for a period of time, designated by the principal, for infraction of school rules and regulations or for any other unacceptable conduct in or out of school.

Resident students enrolled in community schools are permitted to participate in the District's interscholastic athletics program at the school to which the student would be assigned. Students must be of the appropriate age and grade level as determined by the Superintendent, and must fulfill the same academic, nonacademic and financial requirements as any other participant.

Resident students attending STEM and STEAM schools are permitted to participate in the District's interscholastic athletics program at the school to which the student would be assigned. Students must be of the appropriate age and grade level as determined by the Superintendent, and must fulfill the same academic, nonacademic and financial requirements as any other participant.

Resident students attending a nonpublic school are permitted to participate in the District's interscholastic athletic programs at the school to which the student would be assigned if the nonpublic school the student is enrolled in does not offer the activity. Students must be of the appropriate age and grade level as determined by the Superintendent, and must fulfill the same academic, nonacademic and financial requirements as any other participant.

Resident students receiving home schooling education in accordance with State law are permitted to participate in the District's interscholastic athletic programs at the school to which the student would be assigned. Students must be of the appropriate age and grade level as determined by the Superintendent and must fulfill the same academic, nonacademic and financial requirements as any other participant.

#### Legal

[ORC 2305.23](#)

[ORC 2305.231](#)

[ORC 3313.537](#)

[ORC 3313.5310](#)

[ORC 3313.5311](#)

[ORC 3313.5312](#)

[ORC 3313.5314](#)

[ORC 3313.539](#)

[ORC 3313.66](#)

[ORC 3313.661](#)

[ORC 3313.664](#)

[ORC 3315.062](#)

[ORC 3319.303](#)

[ORC 3321.04](#)

[ORC 3707.52](#)

[OAC Chapter 3301-27](#)

#### Cross References

[IGCH \(Also LEC\) - College Credit Plus](#)

[IGD - Cocurricular and Extracurricular Activities](#)

[IGDK - Interscholastic Extracurricular Eligibility \(Grades 7-12\)](#)

[IKF - Graduation Requirements](#)

[JECBA - Admission of Exchange Students](#)

[JECBC - Admission of Students From State-Chartered, Non-Chartered or Home Schooling](#)



JGD - Student Suspension

JGE - Student Expulsion

JN - Student Fees, Fines and Charges

DRAFT



## POLICY REVIEW COMMITTEE

Mike McDonough, Deputy Superintendent  
Friday, March 22, 2024, 9:30 AM, Central Office

HILLIARD CITY SCHOOL DISTRICT  
OPERATIONS DEPARTMENT

### OHIO SCHOOL BOARDS ASSOCIATION POLICY DEVELOPMENT QUARTERLY

FEBRUARY 2024 ISSUE

#### **HB 101 MAKES TECHNICAL CORRECTIONS TO BUDGET BILL PROVISIONS**

*by Kenna S. Haycox, deputy director of board and management services*

House Bill (HB) 101, effective Jan. 30, 2024, modified some Ohio Revised Code sections impacting schools. The modifications are primarily corrective changes related to establishing the Ohio Department of Education and Workforce (DEW) and transferring powers from the State Board of Education to DEW. We will only address a couple of these changes here. More information on these changes is available in the Legislative Service Commission's [analysis](#).

#### **Third grade reading guarantee**

Ohio Revised Code (RC) 3301.077 and RC 3313.608 were amended to clarify that DEW is responsible for adopting the reading competencies, instead of the State Board of Education, and granting DEW the ability to review and update standards as necessary.

#### *Policy implications*

IGBEA-R, Reading Skills Assessment and Intervention (Third Grade Reading Guarantee), is available for review with this issue of PDQ. In addition to the HB 101 changes, we also made some revisions to strengthen the language and provide clarity around what the current law requires and to remove references to phase-in options that are no longer applicable.

#### **Seizure plans**

The September 2023 issue of PDQ provides an overview of the new seizure plan laws. HB 101 modifies RC 3313.7117 to clarify that the plans must include components required by DEW rather than the State Board. No policy changes are necessary to reflect these revisions.

#### **Licensing changes**

The September 2023 issue of PDQ also provided an overview of the new pre-service teaching permits. HB 101 revisions clarify that the State Board is responsible for the criminal records checks and RAPBACK enrollment for these permit holders.

HB 101 also extends the authority for individuals to teach outside their grade band levels beyond Dec. 23, 2023, per the parameters outlined in RC 3319.22.

#### **DEFINITIONS AND PROCEDURES OUTLINED IN HB 68**

*by Kenna S. Haycox, deputy director of board and management services*

House Bill (HB) 68, effective April 24, 2024, enacts the Saving Ohio Adolescents from Experimentation (SAFE) Act and the Save Women's Sports Act. The bill establishes several new Ohio Revised Code (RC) sections, setting requirements for gender transition services, counseling and sex-separate sports teams. Our review here will focus on the impact on K-12 schools.

#### **SAFE Act**

Newly enacted RC 3129.01 includes definitions that are important for understanding the bill's requirements. Districts should review the full text for all the definitions, but for this article, we will focus on a few of those

definitions:

“Biological sex,” “birth sex” and “sex” mean: the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads and nonambiguous internal and external genitalia present at birth, without regard to an individual’s psychological, chosen or subjective experience of gender.

“Gender-related condition” means: any condition where an individual feels an incongruence between the individual’s gender identity and biological sex and includes gender dysphoria.

“Gender transition” means: the process in which an individual goes from identifying and living as a gender that corresponds to “his or her biological sex” to identifying and living as a different gender from “his or her biological sex”, including social, legal or physical changes.

“Mental health professionals” include psychiatric-mental health clinical nurse specialists, psychiatric-mental health nurse practitioners, psychiatrists, psychologists, school psychologists, social workers, professional counselors, and marriage and family therapists.

Newly enacted RC 3129.03 prohibits mental health professionals from diagnosing or treating a minor who presents for the diagnosis or treatment of a gender-related condition, as defined by law, without first obtaining the consent of one of the following: at least one parent of the minor individual; at least one legal custodian of the minor; or the minor individual’s guardian.

Prior to diagnosing or treating a minor presenting for diagnosis or treatment of a gender-related condition, the mental health professional must screen them for both:

- other comorbidities that may be influencing the gender-related condition, including depression, anxiety, ADHD, autism spectrum disorder and other mental health conditions; physical, sexual, mental and emotional abuse and other traumas.

Violations of this section by a mental health professional are considered unprofessional conduct and the individual is subject to discipline by the applicable licensing board.

### **Save Women’s Sports Act**

HB 68 enacts RC 3313.5320, establishing requirements for single-sex sports teams. Please note, the bill originally codified this new provision as RC 3313.5319, but it has been renumbered as RC 3313.5320, in accordance with authority granted to the Legislative Service Commission director. Districts that participate in athletic competitions or events administered by an organization that regulates interscholastic athletic conferences or events must designate interscholastic athletic teams based on the sex of the participants.

Each school must have separate teams for participants of the female sex within female sports divisions; separate teams for participants of the male sex within male sports divisions; and, if applicable, coed teams for participants of both sexes within coed sports divisions.

Schools and interscholastic conferences or organizations that regulate interscholastic athletics are prohibited from knowingly allowing individuals of the male sex to participate in athletic teams or competitions designated only for participants of the female sex. The bill does not prohibit students of the opposite sex from participating on teams that are designated as coed or male.

An agency or political subdivision of the state and any accrediting organization or athletic association that operates or has business activities in the state is prohibited from processing a complaint, beginning an investigation or taking any other adverse action against a school or school district for maintaining separate single-sex interscholastic athletic teams or sports. Any school or school district that suffers direct or indirect harm as a result of a violation of this provision has a private cause of action against the entity.



Under the new provisions, a private cause of action for injunctive relief, damages and any other relief available against the school, district or interscholastic conference can be sought when either apply: a participant is deprived of an athletic opportunity or suffers a direct or indirect harm as a result of a violation of these new requirements; a participant is subject to retaliation or other adverse action by the school, district or conference as a result of reporting a violation of these new requirements.

Any civil action brought as a result of a violation of the new RC 3313.5320 requirements must be initiated within two years after the date on which the violation occurs. Individuals or organizations that prevail on these claims are entitled to monetary damages, including for any psychological, emotional or physical harm suffered, reasonable attorney's fees and costs, and any other appropriate relief.

#### *Policy implications*

OSBA is continuing to review the new law and is not releasing HB 68 policy updates in this PDQ issue. We are reviewing the intersection of these changes with Title IX and monitoring potential litigation. We will provide a policy update in a future PDQ issue or a special alert. Districts with questions on this law's impact on specific district operations are encouraged to work with their district legal counsel.

### **LEGISLATIVE CHANGES TO FRAUD REPORTING**

*by Kenna S. Haycox, deputy director of board and management services*

House Bill (HB) 33 and Senate Bill (SB) 91 both impact district obligations related to fraud reporting. Ohio Revised Code (RC) [117.103](#) requires that the auditor of state (AOS) establish and maintain a system for individuals to report fraud, including misuse and misappropriation of public money by any public office or public official.

Prior to HB 33, districts were required to provide information about the AOS reporting system to each new employee upon employment with the district. AOS is required to provide a model form to be used for this purpose. These employees had to confirm receipt of the information within 30 days of beginning employment.

HB 33 modified these requirements. Under the new law, AOS must develop training materials detailing Ohio's fraud reporting system and the means of reporting fraud, waste and abuse that are as concise as practicable. AOS must provide the training material to employees and elected officials of political subdivisions, which includes school districts. In addition to each new employee, now each newly elected official must confirm receipt of this material within 30 days of beginning employment or taking office. The HB 33 changes to RC 117.103 state that current employees and elected officials as of the bill's effective date — Oct. 3, 2023 — must complete the training within 90 days of a date specified by AOS unless good cause exists for noncompliance. The new law also requires that the training be completed after four years moving forward for each employee or elected official.

Districts are audited on compliance with the requirement to provide employees and public officials with the training materials. Districts should use the model AOS forms to track compliance.

These changes are important to be aware of as we review the SB 91 revisions to mandatory fraud reporting. Effective March 28, 2024, SB 91 establishes new fraud reporting requirements. Under RC 4113.52, as revised by SB 91, timely notification to AOS via the AOS fraud reporting system or other means must be made by defined individuals if, during their term of office or in the course of their employment, they become aware of fraud, theft in office or the misuse or misappropriation of public money. The new provisions apply to any of the following individuals:

- the person is elected to local public office;

the person is appointed to or within a local public office;  
the person has a fiduciary duty to a local public office;  
the person holds a supervisory position within a local public office;  
the person is employed by the department or office responsible for processing any revenue or expenses of the local public office.

The bill further defines “public office” as having the same meaning as in RC [117.01](#), which is any state agency, public institution, political subdivision, other organized body, office, agency, institution or entity established by the laws of this state for the exercise of any function of government, thus applying the new provisions to school districts.

Misappropriation of public money is defined as “knowingly using public money or public property for an unauthorized, improper, or unlawful purpose to serve a private or personal benefit or interest.”

Misuse of public money is defined as “knowingly using public money or public property in a manner not authorized by law.”

Existing RC 4113.52 requirements for mandatory employee reporting to their employer in certain cases, as well as protections for reporting — more commonly known as “whistleblower protections” — remain largely unchanged by the bill as it relates to their impact on school districts. It must be noted, however, that the requirements to report directly to AOS is a separate notification obligation for individuals subject to the new RC 4113.52 requirements.

#### *Policy implications*

An AOS bulletin is forthcoming in the spring, addressing the HB 33 and SB 91 changes. After the release of the AOS information, OSBA will provide the appropriate policy updates.

#### **HAVE YOU UPDATED YOUR OPEN MEETINGS ACT POLICIES?**

*by Kenna S. Haycox, deputy director of board and management services*

In 2023, OSBA recommended updates to several policies related to Open Meetings Act requirements. If your district has not yet reviewed these recommendations, action should be taken to update the policies as soon as practicable. A summary of the recommended policy updates is provided below.

#### **Meeting notices**

Ohio Revised Code (RC) 121.22(F) requires that every public body — including boards of education — establish by rule a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings.

The requirement to establish a “notice rule” identifying the method the board will use to provide notice of its meetings is different from the requirement of actually providing the notice. Districts use a variety of methods to consistently provide notice of their meetings, including posting notice on the district’s website and in newspapers and announcements at community centers, libraries or recreation centers.

In evaluating its method of providing notice, a school board should determine which method will actually reach the public and ensure it can consistently provide notice through that method. In 2002, an Ohio court found that publishing meeting information in a newspaper is one reasonable method of noticing the public

of its meetings. However, this method may not satisfy the notice requirement if the newspaper has the discretion to not publish the information or is not consistently printing the notices on the district's behalf. If the district's notices are not published consistently, the board should consider an alternative method.

OSBA's model policy establishes the district's website as the "reasonable method" for the public to determine the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings. Again, districts should evaluate whether using the district's website will satisfy the notice requirement. If the district's website does not consistently reach the public, the board should consider an alternative method.

Once a board identifies the method that will reach the public, it should be established in board policy. For example, the board may adopt a policy that requires that it post notices on a door of the building where the school board meets. Boards may also provide other notices as a courtesy, such as posting a notice in a newspaper or on the district's website. The board must consistently provide meeting notices in compliance with the methods it establishes in policy, but expanding the list of places where the notices are posted helps ensure that "any person" may find information about upcoming meetings.

It is important to note that RC 121.22(F) applies to boards of education and other "public bodies," which include "any board, commission, committee, council or similar decision-making body of ... a school district." By law, districts must have a district records commission that revises and reviews schedules of records retention; reviews applications for one-time disposal of obsolete records; and reviews certificates of disposal submitted by any district employee. The commission is composed of the board president, treasurer and superintendent and must meet at least once every 12 months. As a "public body," the commission's meetings are subject to the Open Meetings Act and must be properly noticed and open to the public. The commission must also promptly prepare, file and maintain minutes of its meetings.

Policies on records commissions must establish a rule identifying the method that will be used to notify the public of the time and place of their regularly scheduled meetings and the time, place and purpose of their special meetings.

#### *Policy implications*

OSBA updated policy BDDA, Notification of Meetings, in 2023. Language was added requiring that the board post advance notice of its meetings on the district's website. This specific method — posting notice on the district's website — is not required by law. A board may establish an alternative "reasonable method" in its policy so long as, by that method, any person may determine the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings.

OSBA also updated Policy EHA, District Records Commission, Records Retention and Disposal, in 2023 to require that the records commission post advance notice of its meetings on the district's website. This specific method is not required by law; a commission may establish an alternate "reasonable method" of notice whereby any person may determine the time and place of all regularly scheduled meetings and the time, place and purpose of all special meetings of the commission. Alternate methods include, but are not limited to, placing notices in newspapers or at community centers, libraries or recreation centers. After evaluating which method is likely to reach the public, the commission should consistently provide notice through that method.

Considering recent case law and guidance, we encourage school boards to review locally adopted policies BDDA, Notification of Meetings, and EHA, District Records Commission, Records Retention and Disposal, to confirm they are aligned with the above recommendations. If these locally adopted policies were not updated by the board in 2023, we recommend updating them soon as possible to formalize the notice method used. If you are



not sure whether your policy needs updated or know they were not updated in 2023, please contact your OSBA policy consultants to review your locally adopted policy and provide updated sample language for review.

### **Minutes**

Boards of education are required to promptly prepare, file and maintain minutes of their regular and special meetings. Minutes must contain sufficient facts and information to permit the public to understand and appreciate the rationale behind the board's decisions and reflect the general subject matter of executive session discussions.

RC 3313.26 requires that the board read each meeting's minutes "at the next succeeding meeting" and make any necessary corrections before adoption. One Ohio court wrote that the legislature intended the meeting minutes to be read, corrected and approved at the next meeting of the board, be it a special or regular meeting, because that is the time when the matter of the whole proceedings is fresh in the minds of the board members and the time when they are best able to make corrections and approve minutes.

A board of education may waive the reading of its minutes, provided that the minutes have been distributed to the board members at least two days prior to the date of the next succeeding meeting and that the minutes are made available to the public and news media. The board's resolution to waive the reading of the record is in effect until it is amended or rescinded by the board.

### *Policy implications*

In 2023, OSBA updated Policy BDDG, Minutes, to more closely match the language in RC 121.22 and 3313.26 and case law regarding the board's responsibility to prepare, file and maintain minutes. The policy also included permissive language for a board that chooses to waive the reading of its meeting minutes that obligates the board to comply with the requirements associated with this waiver.

Considering recent case law and guidance, we encourage boards to review locally adopted policy BDDG, Minutes. If this locally adopted policy was not updated in 2023, we recommend updating it as soon as possible. If you are not sure whether your policy needs updated or know it was not updated in 2023, please contact your OSBA policy consultants to review your locally adopted policy and provide updated sample language for review.

### **WHAT TO EXPECT IN POLICY DEVELOPMENTS IN 2024**

*by Kenna S. Haycox, deputy director of board and management services*

As we head into a new year of policy updates, what is on our policy radar for monitoring and review?

**Ohio Administrative Code (OAC) changes:** As the changes to the Ohio Department of Education and Workforce are enacted due to House Bill (HB) 33, we are closely monitoring the rule-making process and will provide necessary policy updates in future PDQ issues.

**Cybersecurity:** Since cybersecurity is a growing area of concern, our policy team is crafting board policy language on this topic. Our goal is setting general expectations at the board level while providing flexibility for district-level plans/protocols on how the district implements cybersecurity measures and responds to cyber-risk situations.

**Artificial intelligence (AI):** We continue to monitor guidance on AI and engage with policy counterparts around the U.S. to determine whether board policy on this topic will be beneficial and, if so, what that looks like. We are closely reviewing the recently released [AI Education Toolkit for K-12 Educators](#) as we prepare our policy recommendations.

Potential legislation: As we work with our legislative team to monitor pending legislation and policy implications, we are monitoring several areas, including potential updates to some budget bill provisions.

Title IX: The federal process has been delayed, so we continue to monitor the federal rule-making process.

Stay tuned to this year's PDQ issues for updates on these and other topics and contact OSBA consultants with any policy questions you have.

#### Cross References

IGBEA-R - \*\*OSBA Sample\*\* Reading Skills Assessment and Intervention (Third Grade Reading Guarantee)

February 2024 - Update Review Form

Updating Quick Reference - Checklist



Book	Policy Manual
Section	Issue 1 of 2024 February PDQ (Revised)
Title	<b>**OSBA Sample**</b> Reading Skills Assessment and Intervention (Third Grade Reading Guarantee)
Code	IGBEA-R
Status	From OSBA

**\*\*This is the OSBA sample policy.\*\***

**Reading Skills Assessment and Intervention**  
(Third Grade Reading Guarantee)

The District is required annually to assess the reading skills of each K-3 student in accordance with all statutory timelines, except those students with significant cognitive disabilities or other disabilities as authorized by the ~~Ohio Department of Education (ODE)~~ **Department of Education and Workforce (DEW)** on a case-by-case basis. The District uses the diagnostic assessment to measure reading ability either approved under State law or a comparable tool that has been approved by ~~ODE~~ **DEW**.

If the diagnostic assessment shows that a student is not reading at grade level, the District provides written notification to the parents or guardian that includes:

1. notice that the school has identified a substantial reading deficiency in their child;
2. a description of current services provided to the student;
3. a description of proposed supplemental instruction services and supports **that will be provided to the student that are designed to remediate the identified areas of reading deficiency;**
4. notice that the diagnostic assessment for third grade reading is not the sole determinant of promotion and that additional evaluations and assessments are available; ~~and~~
5. notice that the student will be retained unless the student falls under an exemption or attains the appropriate level of reading competency by the end of third grade; ~~and~~
6. **a statement connecting the child's proficiency level in reading to long-term outcomes of success related to proficiency in reading.**

For a student not reading at grade level, the District provides intensive reading instruction services and regular diagnostic assessments immediately following the identification of a reading deficiency until the development of the reading improvement and monitoring plan referenced below. These intervention services must:

1. include research-based reading strategies that have been shown to be successful in improving the reading skills of low-performing readers and
2. be targeted at the student's identified reading deficiencies.



For each student receiving required reading intervention, the District develops a reading improvement and monitoring plan. This plan is developed within 60 days of receiving the student's results on the diagnostic assessment. The plan includes all of the following:

1. identification of the student's specific reading deficiencies;
2. a description of additional instructional services that target the student's identified reading deficiencies;
3. opportunities for the student's parents or guardians to be involved in the instructional services;
4. a process to monitor the implementation of the student's instructional services;
5. a reading curriculum during regular school hours that assists students to read at grade level, provides for scientifically based and reliable assessments, and provides ongoing analysis of each student's reading progress;
6. a statement that if the student does not attain at least the equivalent level of achievement under Ohio Revised Code Section 3301.0710 by the end of third grade, the student **willmay** be retained and
7. high-dosage tutoring opportunities aligned with the student's classroom instruction through a state-approved vendor on the list of high-quality tutoring vendors or a locally approved opportunity that aligns with high-dosage tutoring best practices. High-dosage tutoring opportunities must include additional instruction time of at least three days per week, or at least 50 hours over 36 weeks.

For a student with a reading improvement and monitoring plan entering the third grade, the District provides a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria:

1. holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable;
2. has completed a master's degree program with a major in reading;
3. was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by **the State Board of Education (SBOE) DEW**;
4. was rated "above expected value-added," in reading instruction, as determined by **ODE DEW** for the most recent consecutive two years;
5. has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by **the SBOE DEW** or
6. holds an educator license for teaching grades pre-kindergarten through third or grades four through nine issued on or after July 1, 2017.

For a student with a reading improvement and monitoring plan entering the third grade, the District may provide ~~a teacher who~~:

1. **a teacher who** has less than one year of teaching experience provided that the teacher meets one or more of the criteria listed above and is assigned to a mentor teacher who has at least one year of teaching experience and meets one or more of the criteria above or
2. ~~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 the department. The alternate credentials shall be aligned with the reading competencies adopted by the SBOE.~~

~~For a student with a reading improvement and monitoring plan entering the third grade, the District may provide:~~

2. reading intervention or remediation services under this section from an individual employed as 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 **SBOE State Board of Education** and/or

3. a teacher, other than the student's teacher of record, to provide any services required under this section, so long as that other teacher meets the assigned teacher criteria above and the teacher of record and the school principal agree to the assignment. This assignment is documented in the student's reading improvement and monitoring plan.

For any student who is an English language learner and who has been in the U.S. for three years or less or for a student who has an individualized educational plan, a teacher may teach reading if the teacher holds an alternative credential approved by **OEDEW** or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by **OEDEW**. The alternate credentials shall be aligned with the reading competencies adopted by **the SBOEDW**.

The District has specific responsibilities for a student who has been retained at the end of third grade. The District must:

1. Establish a District policy for the midyear promotion of a student who is reading at or above grade level that provides that a student who participates in remediation services and who demonstrates the required reading proficiency prior to the start of fourth grade will be promoted to that grade.
2. Provide intensive remediation that addresses the student's areas of deficiencies. This must include, but not be limited to, not less than 90 minutes of daily reading. In addition, the remediation may include any of the following:
  - A. small group instruction
  - B. reduced teacher-student ratios
  - C. more frequent progress monitoring
  - D. tutoring or mentoring
  - E. transition classes containing third and fourth grade students
  - F. extended school day, week or year
  - G. summer reading camps
3. Provide a teacher who satisfies one or more of the criteria set forth above.
4. Offer the student the option to receive applicable services from one or more providers other than the District. These providers will be screened and approved by the District or by **OEDEW**.
5. Provide instruction that is commensurate to the achievement level for a retained student who has a demonstrated proficiency in a specific academic field as defined by State law.

Any instruction or intervention provided pursuant to this policy will be aligned with the principles of the "science of reading" as required by State law. ~~Districts required to submit staffing plans do so in accordance with State law.~~

**NOTE:** House Bill (HB) 33 (2023) significantly altered the promotion and retention requirements of Ohio Revised Code (RC) 3313.608 by adding a provision in which the parents of students who would ordinarily be required to be retained may request that their child be promoted to the fourth grade anyway. Districts are still required to provide these students with reading intervention services. HB 33 also added a new requirement that districts provide students who are required to receive services under RC 3313.608 with high-dosage tutoring.

HB 33 further requires that all materials used for reading instruction for all students align with the principles of the newly developed "science of reading" curriculum

**THIS IS A REQUIRED REGULATION**



Book	Policy Manual
Section	Section I: Instruction
Title	Copy of Reading Skills Assessments and Intervention (Third Grade Reading Guarantee)
Code	IGBEA-R
Status	
Adopted	February 10, 2014
Last Revised	November 8, 2021
Prior Revised Dates	09/22/2014, 05/11/2015

### **Reading Skills Assessments and Intervention** (Third Grade Reading Guarantee)

The District is required annually to assess the reading skills of each K-3 student in accordance with all statutory timelines, except those students with significant cognitive disabilities or other disabilities as authorized by the Ohio Department of Education (ODE) on a case-by-case basis. The District uses the diagnostic assessment to measure reading ability either approved under State law or a comparable tool that has been approved by ODE.

If the diagnostic assessment shows that a student is not reading at grade level, the District provides written notification to the parents or guardian that includes:

1. notice that the school has identified a substantial reading deficiency in their child;
2. a description of current services provided to the student;
3. a description of proposed supplemental instruction services and supports;
4. notice that the diagnostic assessment for third grade reading is not the sole determinant of promotion and that additional evaluations and assessments are available and
5. notice that the student will be retained unless the student falls under an exemption or attains the appropriate level of reading competency by the end of third grade.

For a student not reading at grade level, the District provides intensive reading instruction services and regular diagnostic assessments immediately following the identification of a reading deficiency until the development of the reading improvement and monitoring plan referenced below. These intervention services must:

1. include research-based reading strategies that have been shown to be successful in improving the reading skills of low-performing readers and
2. be targeted at the student's identified reading deficiencies.

For each student receiving required reading intervention, the District develops a reading improvement and monitoring plan. This plan is developed within 60 days of receiving the student's results on the diagnostic assessment. The plan includes all of the following:

1. identification of the student's specific reading deficiencies;
2. a description of additional instructional services that target the student's identified reading deficiencies;



3. opportunities for the student's parents or guardians to be involved in the instructional services;
4. a process to monitor the implementation of the student's instructional services;
5. a reading curriculum during regular school hours that assists students to read at grade level, provides for scientifically based and reliable assessments, and provides ongoing analysis of each student's reading progress; ~~and~~
6. a statement that if the student does not attain at least the equivalent level of achievement under Ohio Revised Code Section 3301.0710 by the end of third grade, the student will be retained; ~~and~~
7. **high-dosage tutoring opportunities aligned with the student's classroom instruction through a state-approved vendor on the list of high-quality tutoring vendors or a locally approved opportunity that aligns with high-dosage tutoring best practices. High-dosage tutoring opportunities must include additional instruction time of at least three days per week, or at least 50 hours over 36 weeks.**

For a student with a reading improvement and monitoring plan entering the third grade for the first time on or after July 1, 2013, the District provides a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria:

1. holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable;
2. has completed a master's degree program with a major in reading;
3. was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the State Board of Education (SBOE);
4. was rated "above expected value-added," in reading instruction, as determined by ODE for the most recent consecutive two years;
5. has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the SBOE or
6. holds an educator license for teaching grades pre-kindergarten through third or grades four through nine issued on or after July 1, 2017.

For a student with a reading improvement and monitoring plan entering the third grade for the first time on or after July 1, 2013, the District may provide:

1. a teacher who has less than one year of teaching experience provided that the teacher meets one or more of the criteria listed above and is assigned to a mentor teacher who has at least one year of teaching experience and meets one or more of the criteria above or
2. a teacher who 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 the department. Beginning July 1, 2014, the alternate credentials shall be aligned with the reading competencies adopted by the SBOE.
3. reading intervention or remediation services under this section from an individual employed as 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 SBOE and/or
4. a teacher, other than the student's teacher of record, to provide any services required under this section, so long as that other teacher meets the assigned teacher criteria above and the teacher of record and the school principal agree to the assignment. This assignment is documented in the student's reading improvement and monitoring plan.

For any student who is an English language learner and who has been in the U.S. for three years or less or for a student who has an individualized educational plan, a teacher may teach reading if the teacher 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. Beginning July 1, 2014, the alternate credentials shall be aligned with the reading competencies adopted by the SBOE.

The District has specific responsibilities for a student who has been retained at the end of third grade. The District must:

1. Establish a District policy for the midyear promotion of a student who is reading at or above grade level that provides that a student who participates in remediation services and who demonstrates the required reading proficiency prior to the start of fourth grade will be promoted to that grade.
2. Provide intensive remediation that addresses the student's areas of deficiencies. This must include, but not be limited to, not less than 90 minutes of daily reading. In addition, the remediation may include any of the following:



- A. small group instruction
  - B. reduced teacher-student ratios
  - C. more frequent progress monitoring
  - D. tutoring or mentoring
  - E. transition classes containing third and fourth grade students
  - F. extended school day, week or year
  - G. summer reading camps
3. Provide a teacher who satisfies one or more of the criteria set forth above.
  4. Offer the student the option to receive applicable services from one or more providers other than the District. These providers will be screened and approved by the District or by ODE.
  5. Provide instruction that is commensurate to the achievement level for a retained student who has a demonstrated proficiency in a specific academic field as defined by State law.
- Any student who has been retained because of results on the third grade reading assessment and who demonstrates during the academic year that he/she now is reading at or above grade level is promoted to the fourth grade pursuant to the District-level midyear promotion policy.

Midyear Promotion — Any student retained by the Third Grade Reading Guarantee is eligible to be promoted to fourth grade any time after the start of the school year when proficiency is demonstrated on a District-selected assessment.

**Any instruction or intervention provided pursuant to this policy will be aligned with the principles of the “science of reading” as required by State law.** Districts required to submit staffing plans do so in accordance with State law.