



POLICY REVIEW COMMITTEE

Mike McDonough, Deputy Superintendent
Friday, September 17, 2021, 9:30 AM Central Office

Hilliard City School District
Operations Department

Committee Members

Paul Lambert, Board of Education
Brian Perry, Board of Education
Brian Wilson, Treasurer/CFO
Mike McDonough, Deputy Superintendent
Sharee Wells, Assistant Superintendent
Stacie Raterman, Communications Director
Herb Higginbotham, Director of Elementary Education
Samantha Althouse, Director of Secondary Education

Jamie Lennox, Assistant Special Education Director
Hilary Sloat, Director of Diversity, Equity & Inclusion
Matt Middleton, Principal Hilliard Darby HS
Matthew Trombitas, Principal Hilliard Heritage MS
Erin Dooley, Principal Hilliard Station Sixth Grade
Holly Meister, Principal Scioto Darby Elementary
Stephanie Borlaza, Principal Britton Elementary

SUMMARY

This committee meets quarterly each school year. One of the objectives of this committee is to study each issue thoroughly making sure we have appropriate policies that reflect the mission and vision of the Hilliard City School District.

The Policy Review Committee considers all proposed new policies, revisions of current policies and/or rescinding of a current policy before being presented to the Superintendent for submission to the Board of Education. Two readings at two separate meetings shall normally be required before a new or revised policy may be adopted. Action to adopt will take place at a subsequent third meeting. However, the Board does have the option of voting for adoption at the second meeting.

The following is a brief overview of the issues discussed at the meeting on September 17th and the committee’s recommendations.

Policies Reviewed as Requested by District Administration

1. EGAC-E – Telephone Services

The PRC recommends updating to add Executive Director of Curriculum – no change to policy.

Policies/Regulations/Exhibits Reviewed and Recommended for Board Action

NONDISCRIMINATION POLICIES AND PROCEDURES and NEW GUIDANCE ON RIGHTS OF TRANSGENDER STUDENTS

1. AC – Nondiscrimination

Last summer, the U.S. Department of Education released revised [Title IX regulations](#) that radically transformed how school districts handle sexual harassment cases. On April 7, the U.S. Department of Education’s Office for Civil Rights (OCR) issued a letter to students, educators and other stakeholders that outlined OCR’s plans to solicit feedback on the current Title IX regulations. It is likely that OCR will amend the Title IX regulations again in response to this feedback. OSBA is monitoring OCR’s work in this area and will provide updates as they become available. In the meantime, the current Title IX

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regulations remain in effect, and all sexual harassment reports must be managed in accordance with the district's sexual harassment policy and procedures. Districts should consider whether they want to update their nondiscrimination policies to specifically address discrimination based on gender identity and sexual orientation.

Earlier this summer, the Office for Civil Rights (OCR) at the U.S. Department of Education (USDOE) issued a [notice of interpretation](#) that affects the rights of transgender students in schools. The notice of interpretation states that Title IX prohibits: (1) discrimination based on sexual orientation; and (2) discrimination based on gender identity. This is a reversal of guidance to schools issued by the previous administration. OCR's notice of interpretation makes it clear that gay and transgender students have protections guaranteed by Title IX and that schools should follow Title IX procedures when these kinds of incidents are reported.

The PRC recommends language revisions in accordance with the above.

NEW GUIDANCE ON IMPLEMENTING 2020 TITLE IX REGULATIONS ON SEXUAL HARASSMENT

2. ACAA – Sexual Harassment
3. ACAA-R – Sexual Harassment Grievance Process

On July 20, 2021, the U.S. Department of Education unveiled new guidance to help schools understand their obligations under the prior administration's Title IX sexual harassment rule. The rule, effective Aug. 14, 2020, is currently undergoing a comprehensive review based on an executive order issued by President **Joe Biden** on April 6, 2021. The [67-page Q&A document](#) provides guidance on a number of topics covered by the 2020 Title IX amendments and clarifies how the existing regulations should be interpreted and applied until the Biden administration announces its new Title IX regulations. The guidance also includes an appendix with examples of Title IX policies and procedures. Based on the document, OSBA is recommending policy changes in the following areas:

- **Responding to reports of sexual harassment** - The Q&A states that a Title IX coordinator may file a formal complaint even if the complainant is not associated with the school in any way or interested in participating in the Title IX grievance process. As a result of this guidance, OSBA added language to ACAA-R, Sexual Harassment Grievance Process, to allow the Title IX coordinator to sign a formal complaint when the Title IX coordinator determines it is necessary to pursue the complaint in light of a health or safety concern for the community.
- **Supportive measures** - Schools must offer supportive measures that "are designed to restore or preserve equal access to the [school's] education program or activity." OSBA added language to ACAA-R, Sexual Harassment Grievance Process, that highlights a school's discretion in this area and clarifies that supportive measures are intended to be temporary in nature.
- **Retaliation** - The 2020 amendments explain that if a school punishes an individual for violations of other school policies, it will be considered retaliation if the punishment is for the purpose of interfering with any right or privilege secured by Title IX. However, if a school has a zero-tolerance policy that always imposes the same punishment for such conduct, regardless of the circumstances, imposing that punishment would not be for the purpose of interfering with any right or privilege secured by Title IX and would not be considered retaliation. OSBA added language to ACAA, Sexual Harassment, to make this distinction.

The PRC recommends language revisions in accordance with the above.

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DISTRICT MASK POLICIES AND NEW VACCINE PROVISIONS

4. EBEA – Use of Face Coverings
5. JHCB – Immunizations
6. JHCC – Communicable Diseases

Masks - When the state mask orders were in place, DeWine and ODH were clear that the mask policy should be a board policy. Now that the orders have been lifted, OSBA is recommending that boards of education rescind their board policies on the use of face coverings, EBEA, Use of Face Coverings, and integrate their guidelines on masks into district-level reopening plans instead of board policy. This gives the district flexibility if they need to add or remove any of the prevention strategies or otherwise change their practices to respond to variants or new guidance.

Mandating vaccines - HB 244 also created Ohio Revised Code (RC) 3792.04, which prohibits school districts from requiring an individual to receive a vaccine for which the FDA has not granted full approval. On Aug. 23, 2021, FDA approved the vaccine known as Pfizer-BioNTech, which will now be marketed as Comirnaty, for the prevention of COVID-19 in individuals 16 years of age and older. As a result, the language in HB 244 will not apply to prevent districts from adopting a mandatory vaccine policy for COVID-19.

The PRC recommends rescinding policy EBEA – Use of Face Coverings and revising policies JHCB – Immunizations and JHCC – Communicable Diseases to clarify that the board will not require students to receive any immunization for which FDA has not granted full approval and will not implement any means of control that differentiate on the basis of vaccination status if the vaccine has not yet received full FDA approval.

HB 110 SCHOOL TRANSPORTATION CHANGES

7. EEA – Student Transportation Services
8. EEAD – Non-Routine Use of School Buses

Transportation to community or nonpublic schools - Ohio [Revised Code \(RC\) 3327.01](#) was amended to make clear that a board of education must provide transportation to students enrolled in a community school or nonpublic school (CNP) on each day — excluding Saturday or Sunday unless otherwise agreed to — in which the CNP is open for operation with students in attendance, regardless of whether the district's own schools are open for operation with students in attendance on that day.

Declaration of impracticality and payment in lieu of transportation - boards of education may determine that it is impractical to transport a student who is eligible for transportation to and from a school. New language in [RC 3327.02](#) states that the determination of impracticality can be made by the superintendent and must be made 30 calendar days prior to the first day of instruction.

Drop off and pick up times - Additional RC 3327.01 revisions add a new requirement for students to be delivered to their respective public or nonpublic schools no sooner than 30 minutes before the start of the school day and be picked up no later than 30 minutes after the close of the school day.

District control of buses for nonroutine trips - Newly enacted RC 3327.018 permits school districts that own and operate buses for transporting students to enter into contracts making school buses available

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to a municipal corporation or other political subdivision or agency of the state or an agency of the federal government to operate its buses to help the agency, group, organization or political subdivision fulfill its legitimate activities and in times of emergency.

District use of public mass transit - Newly enacted RC 3327.017 addresses transportation via a mass transit system.

- Districts are prohibited from using mass transit for students enrolled in CNPs in grades K-eight unless the district enters into an agreement with the CNP authorizing such transportation.
- Further, districts are prohibited from using mass transit for students in grades nine through 12 enrolled in a CNP unless the district ensures that a student's route does not require more than one transfer.

The PRC recommends language revisions in accordance with the above as well as including the requirements for non-routine use of buses on policy EEAD.

GRADUATION REQUIREMENT CHANGES

9. IKF – Graduation Requirements

House Bill (HB) 110 and HB 82 made changes to graduation requirements in the following areas: demonstration of competency, diploma seals and transfer students.

Demonstration of competency - Ohio Revised Code (RC) 3313.618(B) outlines requirements for competency scores in English language arts and math. HB 110 adds and clarifies some of the alternate options of existing law for students who do not attain the required scores the first time they take the assessments.

Diploma seals - One of the key requirements for the class of 2023 and beyond are diploma seals students can earn to demonstrate they are ready for what comes after high school. HB 110 expands the ways a student can earn the Citizenship or Science diploma seals. The bill also outlines specific criteria under which students transferring into the district from another state, or who enroll after receiving home instruction or attending a nonchartered non-tax-supported school in the previous school year, can meet the requirements of the Citizenship, Science and Technology seals.

The PRC recommends language revisions in accordance with the above.

ASSESSMENT CHANGES

10. IGBE – Remedial Instruction (Intervention Services)
11. IGBEA – Reading Skills Assessments and Intervention (Third Grade Reading Guarantee)
12. IGBEA-R - Reading Skills Assessments and Intervention (Third Grade Reading Guarantee)
13. IL-R – Student Assessment

House Bill (HB) 110, effective Sept. 30, 2021, makes several changes regarding assessments.

ACT/SAT opt-out - Beginning with students entering ninth grade for the first time on or after July 1, 2022, the parent or guardian of a student may elect to not have the ACT or SAT administered to his or

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her student under Ohio Revised Code (RC) [3301.0712](#). . If the parent opts out his or her child, the school must not administer the assessment to that student.

Kindergarten readiness assessment - The required kindergarten readiness assessment must now be administered no earlier than July 1 of the school year and no later than the 20th day of instruction of that school year (RC 3301.0715)

The PRC recommends language revisions in accordance with the above.

COLLEGE CREDIT PLUS CHANGES

14. IGCH-R (Also LEC-R) – College Credit Plus

House Bill (HB) 110 made several significant changes to the College Credit Plus (CCP) program established in Ohio Revised Code (RC) Chapter [3365](#).

Mature subject matter - The required counseling session provided by a secondary school to students participating in CCP must include information about the potential for mature subject matter in courses in which the student intends to enroll through CCP and notification that courses will not be modified based upon CCP enrollee participation, regardless of where course instruction occurs. The jointly developed permission slip also must be included.

Student eligibility - RC [3365.03](#) defines the requirements for student eligibility for program participation. One of the conditions for participation is student academic eligibility.

The PRC recommends language revisions in accordance with the above.

NEW RULE ON RESTRAINT AND SECLUSION

15. JP – Positive Behavioral Interventions and Supports (Restraint and Seclusion)

Ohio Administrative Code (OAC) [3301-35-15](#), standards for the implementations of positive behavioral interventions and supports (PBIS) and the use of restraint and seclusion, has been revised effective June 24, 2021. The new rule amplifies Ohio Revised Code (RC) [3319.46](#) and includes significant changes. Districts should carefully review the new rule and note that there are new or revised definitions and reporting requirements to consider. New language requires districts to ensure that an appropriate number of personnel in each building are trained *annually* in evidence-based crisis management and de-escalation techniques as well as the safe use of physical restraint and seclusion. The new rule sets out the PBIS framework and describes the professional development that districts must now provide to student personnel at least every three years for the implementation of PBIS on a systemwide basis. A new process now exists for a parent to file a complaint with ODE.

The PRC recommends language revisions in accordance with the above.

CHANGES TO VAPING REQUIREMENTS

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16. GBK - Smoking/Use of Tobacco/Nicotine on District Property By Staff Members
17. KGC – Smoking on District Property
18. IGAE – Health Education
19. IGAG – Drugs, Alcohol and Tobacco Education

House Bill (HB) 110, effective Sept. 30, 2021, revises Ohio’s smoke-free workplace requirements to include vaping. The bill also added a specific vaping education requirement to the health curriculum provided to students.

The PRC does not recommend any revisions to policies GBK or KGC. The PRC recommends revisions to policy IGAE to reflect new educational requirements and recommends adding language to IGAE from OSBA sample policy IGAG rather than adopting policy IGAG as a new policy.

RECENT EMPLOYMENT PRACTICE CHANGES AND TOPICS

20. GBQ – Criminal Records Check
21. GCD - Professional and Certificated Staff Hiring
22. GDC/GDCA/GDD - Classified Staff Recruiting/Posting of Vacancies/Hiring
23. IICC - School Volunteers
24. GBL - Personnel Records
25. GCC - Professional and Certificated Staff Recruiting
26. GBP - Drug-Free Workplace
27. GD BE - Classified Staff Vacations and Holidays

House Bill (HB) 110 addressed several issues on the employment of school employees and the screening/hiring process. The HB 110 provisions are effective Sept. 30, 2021. HB 6, effective Oct. 9, 2021, also addressed school employment.

Preemployment applications and hiring practices - Newly enacted Ohio Revised Code (RC) 3319.393 impacts the application and hiring processes for prospective school district employees.

- *Required employment application language*
- *Required check of the Ohio Department of Education’s (ODE) 'educator profile' database*
- *Consulting the Office of Professional Conduct and/or 'any prior education-related employers'*
- *Additional background checks for applicants, including volunteers*
- *Offers of conditional employment*

Assisting with employment and misconduct reporting - Newly enacted RC 3319.318 states that no “school representative” shall knowingly engage in any activity intended to assist another person in obtaining employment with a school district or chartered nonpublic school, or in a position responsible for providing educational services to children from 6 to 21 years old with a county board of developmental disabilities, if the school representative knows or has reasonable cause to believe that the person has committed a sex-related offense (RC Chapter 2907) involving a student. The school representative is able to transmit administrative and personnel files to prospective employers without violating this section. New RC 3319.319 allows the appointing or hiring officer of an Ohio school district or another state to request any report ODE has received, pursuant to a variety of revised code sections addressing employee misconduct, regarding a person who is being considered for employment by the district. If ODE has received a report under any of the revised code sections noted regarding the person,

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ODE shall provide the contents of the report to the requesting officer. The officer will be notified at that time that the information provided is confidential and may not be disseminated to any person or entity.

If a report is provided under RC 3319.319, ODE must document this action in the record of any investigation taken based on the report. This must include a list of the information provided, the date it was provided, and the name and contact information of the appointing or hiring officer to whom it was provided.

Drug-free workplace policy and Civil Rights Act - RC 3796.28 addresses medical marijuana and employer responsibilities related to an employee's use, possession or distribution of medical marijuana. HB 110 added clarifying language in RC 3796.28(C), which states that it is not a violation of division (A), (D) or (E) of RC 4112.02 if an employer discharges, refuses to hire or otherwise discriminates against a person because of that person's use of medical marijuana if the use is in violation of the employer's drug-free workplace policy, zero-tolerance policy or other formal program or policy regulating the use of medical marijuana.

Pupil services licensing - HB 6, effective Oct. 9, 2021, amended RC 3319.221 which addresses pupil service licenses. HB 6 eliminates the requirement for nurses to hold a degree in the area of nursing in order for that nurse to meet this exemption from holding a separate pupil services license.

Employee holidays (Juneteenth) - On June 17, President Joe Biden signed the federal Juneteenth National Independence Day Act into law, making June 19 the first new federal holiday in decades. HB 110 addressed the addition of Juneteenth as a legal holiday in several different sections of the Ohio Revised Code. RC 124.19 specifically defines certain state holidays and includes "any day appointed and recommend by the governor of this state or the president of the United States." This section was amended to specifically include "the nineteenth day of June." RC 3313.63 lists specific days that boards of education may dismiss the schools under their control. HB 110 specifically adds "the nineteenth day of June" to that list of holidays.

The PRC recommends language revisions to policies GBQ, GCD, GDC/GDCA/GDD and IICC in accordance with the above. Policies GBL and GCC are included for legal reference updates. The PRC does not recommend any revisions for policy GBP or policy GDBE.

ADDITIONAL HB 110 CHANGES

28. IGAH/IGAI - Family Life Education/Sex Education

Sex education changes - Ohio Revised Code (RC) 3313.6011 prescribes the requirements for instruction in venereal disease as provided pursuant to RC 3313.60(A)(5)(c). RC 3313.6011(C)(1) lists what must be included in this instruction. House Bill (HB) 110 adds RC 3313.6011(C)(2), requiring that if a school district or school chooses to offer additional instruction in venereal disease or sexual education not specified in 3313.6011(C)(1), the district or school must notify all parents or guardians of that instruction. The Ohio Department of Education (ODE) also is required to conduct an annual audit of each city, local and exempted village school district at the start of each school year relative to its compliance with the venereal disease instruction requirements of RC 3313.60(A)(5)(c).

The PRC recommends language revisions to reflect HB 110 changes.

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HB 244 PROVISIONS IMPACT ENROLLMENT OF CHILDREN OF MILITARY FAMILIES

29. JEC – School Admission

The Interstate Compact on Educational Opportunity for Military Children became effective in October 2009 and is intended to address some of the educational challenges transitioning children of military families face by providing a consistent policy in every school district of each state that has joined the compact. To implement the compact, House Bill (HB) 244, effective Oct. 13, 2021, adds [Ohio Revised Code \(RC\) 3301.601](#) and [3301.65](#). The new language requires school districts to permit school-aged children of active-duty uniformed services members who relocate to Ohio and are not yet district residents to apply for enrollment in a district school in the same manner and at the same time as district resident students.

The PRC recommends language revisions in accordance with the above.

UNIFORM GUIDANCE POLICY CHANGES

30. DECA - Administration of Federal Grant Funds

31. DJF-R - Purchasing Procedures

Federal funds received by the district are subject to the uniform grant guidance outlined in [2 Code of Federal Regulations 200 CFR 200](#). These federal rules were up for a [five-year review](#), and some changes were made that impact district procurement requirements.

The PRC recommends language revisions to DECA and DJF-R to clarify the language and reflect these changes.

Policies/Regulations/Exhibits Reviewed – Board Action Not Required

ARMING STAFF AND BOARD POLICY

On June 23, the Supreme Court of Ohio released its opinion in [Gabbard v. Madison Local School Dist. Bd. Of Edn.](#), Slip Opinion No. 2021-Ohio-2067, which addressed the arming of school staff and board policy. The 4-3 decision strikes down **Madison Local's (Butler)** board policy, allowing certain employees to carry firearms. It also makes clear the current training/experience requirements related to the arming of school staff members. OSBA does not have a model policy on arming staff. Policies GBCB, Staff Conduct, and KGB, Public Conduct on District Property, have language regarding having weapons in a school safety zone, but they do not require any updates.

ELECTRONIC BOARD MEETING OPTIONS EXPIRED

The state of emergency due to the COVID-19 pandemic has lifted, which means that public meetings have reverted to pre-pandemic guidelines. The legislature did not extend or make permanent a public school board's ability to conduct meetings in a virtual landscape.

ONLINE LEARNING AND UPDATE TO BLENDED LEARNING

House Bill (HB) 110, effective Sept. 30, 2021, contains a new provision for online learning and a revised definition for blended learning.

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- For the 2021-22 school year, a district that intends to operate an online learning model should notify ODE no later than Aug. 1 to ensure proper reporting. However, any district school that is currently operating using an online learning model as of Sept. 30, 2021, the effective date of RC 3302.42, must notify ODE within 60 days after Sept. 30 and request that ODE classify the school as an online learning school.
- This model is different from blended learning, where students work in “a combination of time primarily in a supervised physical location away from home and online delivery where a student has some element of control over time, place, path, or pace of learning.” The word “primarily” was added to the blended learning definition in RC 3301.079 via HB 110. Previously, blended learning had no particular threshold for how much time needed to be spent in a physical location away from home. ODE recently defined “primarily” as it is used in the blended learning and online learning school definitions. A student that spends a minimum of 51% of time at home engaged in online learning would be participating in online learning while a student spending a minimum of 51% of time in a school would be participating in blended learning.
- Currently, there is no board policy requirement regarding online learning schools. However, districts implementing an online learning model should continue to monitor additional guidance from ODE and updates on rules and standards adopted by the State Board. We are not adding an online learning policy at this time but will continue to monitor the guidance released related to online learning schools. Policy IGCK, Blended Learning, does not require any updates due to the HB 110 change to its definition.

OPES 2.0

The State Board of Education approved a new [framework for the Ohio Principal Evaluation System \(OPES\) 2.0](#) on July 13, 2021.

Individuals employed by the district on an administrative contract are subject to the evaluation requirements of Ohio Revised Code (RC) [3319.02](#). In addition, the procedures for the evaluation of principals and assistant principals must be based on principles comparable to the teacher evaluation policy adopted by the board under RC [3319.111](#) (the Ohio Teacher Evaluation System (OTES)) but must be tailored to the duties and responsibilities of principals and assistant principals and the environment in which they work.

AFC-2 (Also GCN-2), Evaluation of Professional Staff (Administrators Professional and Support) (Version 2.0 - OPES 2.0), is included with this PDQ issue. If you are implementing OPES 2.0 this year, you should review and adopt this updated policy. If your district is not implementing it this year, you do not need this policy recommendation at this time but should adopt it at the time you implement OPES 2.0.

UPCOMING CHANGES TO THE DISPOSAL OF SCHOOL FACILITIES

House Bill (HB) 110 makes significant changes to the current law on how school districts are permitted to dispose of unused school property. The language in RC 3313.411 does not become effective until July 2022; however, if this language stays as is, the "preceding school year" language will require a review of how facilities were used this school year. OSBA will continue to work with the legislature to try to amend this language or clarify how it will be implemented. If the language becomes effective as written, schools will need to review and revise any current policies on the disposal of school facilities and consult with their board counsel for more information on how to calculate the less than 60% building usage for academic instruction. OSBA will continue to monitor these statutory changes and provide policy updates as necessary.