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August 1, 2018

Montgomery County ESC

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**Administrators Conference**

Presented by:

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# Today's Agenda

- Medical marijuana
- Supreme Court ruling on fair share fees
- Crowdfunding
- Cell phone searches
- OTES update
- Legislative update



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# Update on Medical Marijuana



# Ohio's Law on Medical Marijuana

- Ohio became 26<sup>th</sup> state to legalize use of medical marijuana in 2016
- Registered medical marijuana patients will soon be able to purchase medical marijuana from state-licensed dispensaries
- What does this mean for school employers?



## Revised Code Chapter 3796

- HB 523 Effective September 2016
- Permits use of medical marijuana after patient/caregiver registers with state (requires physician statement to accompany registration)

# Qualifying Medical Conditions

- AIDs/HIV
- Alzheimer's Disease
- ALS
- Cancer
- Chronic Traumatic Encephalopathy
- Crohn's Disease
- Epilepsy/Seizure Disorder
- Fibromyalgia
- Glaucoma
- Hepatitis C
- Inflammatory Bowl Disease
- Multiple Sclerosis
- Chronic, severe or Intractable Pain
- Parkinson's Disease
- Post-traumatic Stress Disorder
- Sickle Cell Anemia
- Spinal Cord Disease/Injury
- Tourette's Syndrome
- Traumatic Brain Injury
- Ulcerative Colitis
- Any other disease or condition added by the state medical board under section 4731.302 of the Revised Code.

# Acceptable Forms of Medical Marijuana

- Oils
- Tinctures
- Plant Material
- Edibles
- Patches
- Vaporized Marijuana
- Smoking is NOT permitted



# Employers and Medical Marijuana

- Are employers required to permit employees to use medical marijuana at work? What about after hours?
- Can an employee still be terminated for use of marijuana on or off campus?
- Can employers continue drug testing programs for marijuana?
- Must employers permit use of medical marijuana as an accommodation under the ADA?
- Must employees be granted FMLA leave for use of medical marijuana for the treatment of a serious health condition?
- Can an employer continue maintain a drug free/zero tolerance policy?
- How does this impact unemployment compensation and worker's compensation?

## **R.C. 3796.28 – Rights of Employer**

### **A - Nothing in this chapter does any of the following:**

- (1) Requires an employer to permit or accommodate an employee's use, possession, or distribution of medical marijuana;
- (2) Prohibits an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's use, possession, or distribution of medical marijuana;
- (3) Prohibits an employer from establishing and enforcing a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy;

## R.C. 3796.28 – Rights of Employer

### A - Nothing in this chapter does any of the following:

- (4) Interferes with any federal restrictions on employment, including the regulations adopted by the United States department of transportation in Title 49 of the Code of Federal Regulations, as amended;
- (5) Permits a person 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 a person with respect to hire, tenure, terms, conditions, or privileges of employment related to medical marijuana;
- (6) 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 Chapter 4123. of the Revised Code.



## R.C. 3796.28 – Rights of Employer

(B) A person who is discharged from employment because of that person's use of medical marijuana shall be considered to have been discharged for just cause for purposes of division (D) of section [4141.29](#) of the Revised Code if the person's use of medical marijuana was in violation of an employer's drug-free workplace policy, zero-tolerance policy, or other formal program or policy regulating the use of medical marijuana.



## Activities Prohibited Near Schools

- R.C. 3796.30
- No medical marijuana cultivator, processor, retail dispensary, or laboratory that tests medical marijuana shall be located within five hundred feet of the boundaries of a school.



# Practical Considerations

- Determine how the district will handle employee requests to use medical marijuana
- Modify policy if/where appropriate
- Be consistent
- What about students with medical conditions?!?



# Supreme Court Decision on Fair Share Fees



## Fair Share Fees: *Janus v. AFSCME Council 31*

- **Issue**

- Whether fees paid by public-sector employees who are not members of the union are constitutional

- **Overview**

- Illinois healthcare worker Mark Janus argues that being required to pay even a limited fee to cover contract negotiations violates his First Amendment rights.

- **Decision**

- June 27, 2018
- *Abood* decision was overruled.
- Agency fee arrangements in a public sector collective bargaining agreement must cease immediately. Failure to do so may nullify any indemnity clauses in a CBA and may result in civil liability.
- This Supreme Court decision takes precedence over any contractual bargaining language.

# Supreme Court Fair Share Fee History

- *Abood v. Detroit Board of Education* (1977) permitted unions to collect fair share fees from nonmembers.
- *Friedrichs v. California Teachers Association* (2016) requested the Supreme Court to overturn *Abood*.
  - The constitutional question is whether fair share fees violate the First Amendment in requiring non-union members to pay unions to effectively speak for them.
  - In a deadlock (4-4) after the death of Justice Antonin Scalia, the Court retained the *Abood* decision.
- The Court was petitioned to rehear the *Friedrichs* case after Scalia's seat is filled, but the Court denied the petition.



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# Crowdfunding





# Crowdfunding

As budgets tighten and programs get cut, schools are increasingly turning to this 21st-century method of fundraising. Crowd sourcing allows people from in and outside the community to give money directly to various school projects.

## Tips and Tricks

- Use specific projects instead of general fundraising
- Break campaigns down into smaller steps and keep them short
- Market your project, and do so in a professional manner
- Consider offering incentives, such as handwritten notes from students
- Tell a story, people are more likely to donate if they are invested in the project emotionally

# Platforms

• While there are many sites to crowdfund on, these are a few of the more popular services:

• Adopt- A-Classroom

• Incited

• CrowdFundEDU

• Donors Choose

• GoFundMe

• ClassWish

• Kickstarter

EdBacker

Indiegogo

PledgeCents

YouCaring

# Crowdfunding Management

- Have a policy on crowdfunding that dictates who can do so and with which platforms.
- The policy should also address student record privacy. A photo of a classroom with students on a crowdfunding page could constitute a violation of confidentiality laws (FERPA; R.C. 3319.121)
- Descriptions or narratives which provide personally identifiable information could also constitute a violation.
- Have a centralized approval process for crowdfunding campaigns.

## Follow the Money

- ORC 9.38 mandates that all money received, collected by or due to a public official under color of office, or collected on behalf of a public office, must be deposited with the treasurer of that public office within a specified time.
- Specifically for public schools, 3313.51 establishes that the treasurer of the board of education is the treasurer of all school funds. The law requires that all moneys received by the treasurer from any source whatsoever must be deposited in the timely manner established by the school board.



## Follow the Money

- Treasurers could be held liable through a finding for recovery for unaccounted for funds collected through a crowdfunding campaign!
- Make sure you are following your finance policies and guidelines.
- Make the Treasurer's office part of the process.

# Ethical Considerations

- Employees are not permitted to accept additional compensation for performing their duties.
- Teachers should not divert any amount of the funds raised to personal gain as a administrative fee or for any other reason.
- The crowdfunding policy should require that all campaigns be established in the name of the District and that all funds/items or donations should be given to the District, not the teacher who organized.
- Remember, those funds are District property!

## Other Considerations

- Ensure that no one receives a benefit from the fundraiser in proportion to their level of participation. Benefits of a donation should be provided uniformly to the class of persons or purpose it was raised for.
- Ensure that the description of the crowdfunding campaign does not indicate or imply that the District is falling short of its obligations under law in terms of levels of service, providing obligated supplies and equipment, etc.



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# Cell Phone Searches



# Criminal Law Search & Seizure

- Fourth Amendment protects from “unreasonable searches and seizures.”
  - Searches generally require physical touching, entry, or intrusion.



# School Law Search & Seizure

- Fourth Amendment applies to students in public schools.
- Students have a legitimate expectation of privacy in school.
- Standard for searches and seizures performed by school employees is not **probable cause** but **reasonable suspicion**.
  - No search warrant is needed, but reasonable suspicion.  
*N.J. v. T.L.O.*, 469 U.S. 325 (1985)

# Reasonable Suspicion

- Search must be:
  - **Justified** at its inception

AND

- **Reasonable** in scope

## NEW JERSEY V. TLO



*Student Searches and Seizures*

New Jersey v. T. L. O., 469 U.S. 325 (1985), is a decision by the Supreme Court of the United States addressing the constitutionality of a search of a public high school student for contraband after she was caught smoking. A subsequent search of her purse revealed drug paraphernalia, marijuana, and documentation of drug sales. She was charged as a juvenile for the drugs and paraphernalia found in the search. She fought the search, claiming it violated her Fourth Amendment right against unreasonable searches. The U.S. Supreme Court, in a 6-3 ruling, held that the search by the Piscataway Township Schools was reasonable under the Fourth Amendment.

# Searching Cell Phones

- Electronic Communication Devices/Pagers and Cell Phones:
  - Ohio Revised Code 3313.753 permits boards to adopt policies prohibiting students from carrying pocket pagers and other electronic communication devices in any school building or on school grounds
  - Should mainly be an administration issue, but in order to search a student's cell phone there should be knowledge that the cell phone contains evidence of a violation of school policy or the law

# Searching Cell Phones

- If a student has his cell phone out during school hours, which is a violation of school policy:
  - It is not permissible to search a cell phone.
  - The phone may be confiscated, but not searched.
    - Remember, you need reasonable suspicion to search!
    - Additionally, general knowledge of a past behavior alone does not justify a search.



# Cell Phone Search & Seizure

- However, if there is reasonable suspicion that information concerning a violation of school policy or the law is contained in a technology device (particularly a cell phone), it is permissible to conduct a limited search
  - For example, if a student reports that drug use took place in a bathroom and that the students involved took pictures of themselves doing drugs in the bathroom, the administrator could search the phones for the pictures
  - But the administrator could not search through text messages or web history because it is unrelated to the scope of the search

# Cell Phone Search & Seizure

- Bottom Line:
  - No fishing expeditions!
  - Must be a nexus between:
    - Basis for initiating the search,
    - The intent of searching the phone (what one hopes to find), and
    - Where one is searching in the cell phone.
  - What if an administrator conducts a search of a cell phone that is justified at its inception and is reasonable in scope which reveals criminal behavior, such as the selling of drugs or sexting activity?
    - The administrator can then hand over the evidence to the SRO to pursue criminal charges

# Takeaway: SROs Need a Warrant

- School Resource Officers
  - School resource officers who are acting as police officers should **not search students' phones without a warrant** given the 2014 decisions from the U.S. Supreme Court
- School Administrators
  - These cases do not impact how school administrators conduct investigations and searches related to school discipline.
  - School districts are still held to a reasonableness standard when conducting searches of students.
    - The search must be justified at inception and reasonable in scope.

# Scenario

- Does a student maintain a reasonable expectation of privacy in the contents of a cell phone that is being stored in the jail?
- **Case Facts**
  - Student arrested for causing a disturbance on the school bus
  - His cell phone was taken during booking and placed in the jail storage room
  - SRO was told that the student had, prior to arrest, taken a picture with his cell phone of another student urinating in the restroom at school
  - SRO obtained the student's cell phone, looked through the photographs until he found the photo, printed pictures of the photo, and kept the phone as evidence
  - Student was then charged with felony: Improper Photography

## Takeaways

- **Reasonable suspicion** standard – sometimes applied to SROs because a warrant is unsuited to the school environment as it would interfere with swift and informal school disciplinary procedures.
- However, police are not to avoid Fourth Amendment requirements by using surrogates to search.
  - **Key:** If SROs bring a school official information that would justify that official taking action if he learned of the information from a teacher or another student, the same interests are present that justified the warrantless search on **reasonable suspicion**.

## More Takeaways

- It needs to be clear that – *if* an SRO is present during a search – the SRO is not actively involved in the investigation and is there for safety and security, etc.
- Otherwise, risk school officials acting as agents of law enforcement and open the door for potential lawsuits.
  - SRO must be acting in his or her capacity as an SRO and is furthering educationally related goals.
  - If SRO is acting in capacity as a police officer, there must be a warrant.

## Recent Cases

- Bussell v. Elizabethtown Independent School Dist., 2018 WL 1997547 (W.D. Ky. 2018). – Plaintiffs currently have claims for deprivation of rights under law (1983) and Title IX claims related to an alleged practice among District staff of seizing and searching cell phones without probable cause.
- State v. J.A.C., 2018 WL 582332 (12 th Dist. 2018). Attempt to suppress cell phone evidence obtained through search at school
- Jackson v. McCurry, 303 F.Supp.3d 1367, 355 Ed. Law Rep. 403 (M.D. GA. 2017). Affirms TLO standard for searches at school.

*State v. Moses*, 327 P.3d 1052 (Kan. App. 2014).

# Case Scenario: One Search Leads to Another

- High school student left a bag on a school bus, which led to three searches:
  1. Initial look into the bag, where employee saw student's name
  2. Subsequent thorough search of bag in principal's office, where bullets were discovered in the bag
  3. Search of student and bag he was carrying in the school, which turned up a gun in his book bag
- Trial and appellate courts found the searches unconstitutional and suppressed the evidence.
- Ohio Supreme Court found that search 2 was required to fulfill school's interest in securing the safety and security of students and that the student had a "greatly diminished" expectation of privacy in leaving bag unattended.



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# OTES Updates in SB 216



# New OTES Framework

- **State Board to Revise OTES Framework**
  - Must revise the framework based on educator standards board recommendations
  - Must hold at least one public hearing on revised framework with the full text of the revised framework available
  - **May 1, 2020** – Deadline for state board to **adopt** revised framework
  - **July 1, 2020** – Deadline for state board to **update** OTES framework
- **School Boards to Revise OTES Policy**
  - **July 1, 2020** – Deadline for school boards to update OTES policy

# Next Two Years for OTES

- **OTES Pilot Program**

- ODE will establish a pilot program in 2019-2020 to guide implementation of the new OTES framework, request districts to participate, and provide professional development and technical assistance to participating districts.

- **Continuing Current System**

- For 2018-19 and 2019-20, districts that are **not participating in the pilot program** will conduct evaluations in accordance with the current system.

# Teacher Evaluations – R.C. 3319.111

- **Removes**

- Student academic growth measure
- Option for boards to adopt a resolution requiring only one formal observation of a teacher rated *accomplished* if the teacher completes a project demonstrating growth

- **Requires**

- Student performance measures to use “high-quality student data”
  - This may include data from ODE’s list of student assessments that measure mastery of course content for the appropriate grade level

# Skilled and Accomplished Teachers

- **Accomplished Teachers**

- May be evaluated once every 3 years, so long as:
  - Teacher submits a self-directed professional growth plan focusing on specific areas in the observations and evaluation
  - Evaluator determines teacher is making progress on the plan

- **Skilled Teachers**

- May be evaluated once every 2 years, so long as:
  - Teacher and evaluator jointly develop a professional growth plan focusing on specific areas in the observations and evaluation
  - Evaluator determines teacher is making progress on the plan

- **Off-Years for Both Accomplished and Skilled**

- At least one observation and one conference
- **The conference must include a discussion of progress on the teacher's professional growth plan.**

# Standards-based Evaluation Framework

- **Removes**

- Student academic growth measure and value-added progress dimension if used in the student academic growth measure

- **Prohibits**

- Shared attribution of student performance data
- The use of student learning objectives

- **Adds**

- At least two measures of “high-quality student data”
- Development of a professional growth or improvement plan based on evaluation results and aligned to district or building improvement plan under ESSA

- **Repeals** the alternative framework (R.C. 3319.114)



# Professional Growth Plans

- School boards must use the state board's professional development standards to guide the development of professional growth and improvement plans resulting from teacher evaluations

# High-Quality Student Data

- State board shall define “high-quality student data”
- When applicable to grade level or subject area, high-quality student data shall include the value-added progress dimension and at least one other measure
- High-quality student data may be used as evidence in any component of the evaluation related to the following:
  - Knowledge of students
  - Teacher’s use of differentiated instructional practices
  - Assessment of student learning
  - Teacher’s use of assessment data
  - Professional responsibility and growth

# High-Quality Student Data

- **Student Assessment Data**

- Charges ODE to develop a list of student assessments that measure mastery of course content for grade level
- Removes the clause that this is only when value-added data or academic growth do not apply
- Data from these students assessments may be used as high-quality student data

- **Guidance for Districts**

- ODE must provide guidance to districts on how high-quality student data may be used as evidence of student learning attributable to a particular teacher, complete with examples of appropriate use of that data
- ODE must provide guidance to districts on how information from student surveys, student portfolios, peer review evaluations, teacher self-evaluations, and other appropriate components may be used in evaluations



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# Newly Enacted Legislation



# Am. Sub. HB 8: Public Records Exceptions

- Signed on June 29; effective **September 28, 2018**
- Names, addresses, contact information or other personal information of a minor who was a passenger in a school vehicle involved in a traffic accident is not a public record, wherever it is included in any record related to the accident.
- **“Protected health information”** in a claim for payment of a health care product/service/procedure, and any other health claims data that reveals the identity of the person who is the subject of the data or could be used to reveal their identity, is not a public record.
  - PHI is defined in federal law.
  - Also applies to journalist requests for information (could be disclosed to the journalist if in the public interest)

## Am. Sub. HB 8: Public Records Exceptions

- The parent or guardian of a minor involved in a school traffic accident may make a request in writing for the records, which, if in the possession of the public entity, will be released to the parent or guardian.
- The request must identify the student on whose behalf the request is made and to whom the record will be sent, and records will be provided only to that person.
- Records of other minors involved will be redacted from the response.

# HB 21: Community Schools

- Signed on June 29; **effective September 28, 2018**
- Changes the responsibility of community school **enrollment verification** from school districts to community schools
  - Requires community schools to report to ODE annually
  - Must obtain documentation to verify student residence
  - If the community school's determination of the student's district of residency differs from the district's determination, the community school shall provide the district with documentation and make a good faith effort to accurately identify the correct residence
- Community schools must have a policy that requires parents to notify the school of a change in the parent's or student's primary residence and a policy regarding address verification for enrollment

# HB 21: Community Schools

- Eliminates the current EMIS Advisory Board
- In a new section of the Revised Code, requires ODE to establish a new EMIS Advisory Council
  - Council members shall include ODE staff, school district representatives, and other entities that regularly interact with EMIS data
- Prescribes 30-day public comment period, beginning no later than February 1 each year, for the community school sponsor evaluation system
  - All public comments received shall be posted on ODE website

## HB 21: Community Schools

- For nonpublic schools: Exempts from state testing and graduation requirements students who attend a school where 95% or more of the student body are children with disabilities, the school has done so for 10+ years, and the school provides ODE with internal test results as required
- Prescribes a one-year moratorium on the building code requirement for schools to have storm shelters – not required before September 15, 2019

# HB 98: Career & Recruitment Information

- Signed March 30; **effective June 29, 2018**
- **Presentation of career information**
  - Districts must provide **equal access** to all groups
    - Existing law: armed forces, business, industry, charitable institutions
    - **New law adds:** skilled trades, higher ed, and career tech providers
    - Includes access to the district's employment or placement services
  - Districts **may not prohibit** presentation of information or recruitment for employment, employment training, or education.
  - Any **restrictions must be imposed uniformly** to all groups.
  - At least two opportunities/year to present in person to all grade 9-12 students individually or in groups. Students must be allowed to speak in person with the presenting entities.
  - Districts may have an application process and standards for groups to present information.

# HB 98: Career Tech Licensure – New Rules

- **Two New Career Tech Educator Licenses**
  - **2-year initial** career technical workforce development
  - **5-year advanced** career technical workforce development
- Begins July 1, 2019 – all new applicants must apply for one of the two new licenses
- Valid for grades 4-12
- Must have high school diploma. Note: A treasurer may pay career tech education teachers for the first two months if they have applied for a career tech license; for career tech educators, the requirement for a bachelor's degree does not apply.

# HB 98: Career Tech Licensure

- **Two-Year Initial License**
- Superintendent may request initial license, along with documentation showing that the applicant –
  - Has 5 years' work experience or equivalent in the subject area that they will teach
  - Is enrolled in preparatory program to get a career tech workforce development license that meets requirements
- License is valid only in the requesting district
- Initial license may be renewed if the program supervisor and program superintendent certify that the license holder is making “sufficient progress” in the prep program



# HB 98: Career Tech Licensure

- **Five-Year Advanced License**
- Issued after:
  - Successful completion of the preparatory program
  - Demonstration of mastery of applicable career tech education and workforce development competencies as determined by the superintendent of the employing school district
- License holder must work with LPDC to meet renewal requirements

# HB 98: Career Tech Licensure – Current Rules

- **Current Career Tech Licensure**
- **Through June 30, 2019**, SBOE will continue the current process of accepting applications and issuing/renewing professional career technical teaching licenses.
- **Effective July 1, 2019**
  - Educators who hold a professional career tech teaching license on July 1, 2019, may continue to **renew** their current license for the remainder of their career **or may apply** for one of the new licenses
  - State Board will begin issuing “**career technical workforce development educator licenses**” under the new section of the Revised Code.



## HB 98: Alternative Resident Educators

- Effective July 1, 2019
- Alternative resident educator license holders for teaching career tech education may, when license expires, apply for professional career tech license under old law and renew for the rest of their career.

# HB 170: Computer Science Curriculum

- Signed December 2017; **effective March 28, 2018**
- Creates optional academic content standards and model curriculum for K-12 computer science (TBD by ODE by 12/31/18)
  - Adds computer science as a 4<sup>th</sup> option for the 1 unit of advanced science study, but it may not replace any life science or biology course.
- Revises educator qualifications for computer science curriculum
- Provides that auxiliary funds may be distributed directly to non-religious chartered nonpublic schools or continue to receive through the school district
- Requires parents to sign a form acknowledging that if their child substitutes an advanced computer course for Algebra II, they may not be eligible to attend certain higher education institutions, a prerequisite for admission to most Ohio colleges and universities
- Allows districts to create a computer science and technology fund.
  - Content of fund may be school money appropriate to be placed in the fund, private donations and any future state money (not provided in this bill)

# HB 438: ESC Boards

- Signed June 29; effective **September 28, 2018**
- Allows ESC boards to add appointed members
  - Must specify “the experience, knowledge, and skills that advance the mission and vision of the service center”
  - May be representative of client districts (city and exempted village) that are not otherwise represented on the ESC board
  - Still must be an odd number of board members, and the number of appointed members must be 1 less than the number of elected members.
- In a new RC section, provides an additional process for a school district to sever its territory from one ESC and annex that territory to an adjacent ESC under specified conditions.
- **Uncodified law:** Provides at least three rounds of grant funding to high-performing community schools (unrelated to ESC’s)

## HB 438: ESC Boards

- ESCs may establish local professional development committees (LPDCs) for educators who are not employed in Ohio schools, including licensed pupil services personnel.
- These LPDCs may review coursework, CEUs, or equivalent activities related to the area in which the educator is licensed, under the following conditions:
  - The individual is licensed or certified under Ohio law, AND
  - The individual is not currently employed as an educator or not currently employed by an entity that operates an LPDC
- LPDCs must determine whether the individual's coursework, CEUs, or other activities meet state board requirements.



# Passed Legislation – Awaiting Signature





# Senate Bill 216: Education “Deregulation”





## Status of SB 216

- Passed in the General Assembly on June 27
- Sent to Gov. Kasich for signature on July 24
- After a bill is sent to the governor for signature, he must sign or veto it within 10 days. Any bills not signed after 10 days become law.
- The 10th day is August 3
- Stay tuned.

# JEOC and State Superintendent

- New requirements of the state superintendent for responses to Joint Education Oversight Committee requests
  - Joint requests require that information that is readily accessible to state superintendent be provided “within a reasonable time period.”
  - Superintendent may request clarification “to facilitate a timely response.” If so, JEOC and superintendent must work together to determine scope, difficulty of obtaining data, committee needs, and other considerations.
  - If no agreement after 30 days, JEOC may insist on data, and superintendent must “promptly make that information available.”
  - Superintendent may request extended time period for requests of large data sets but may not exceed 90 days.

# Assessment Vendor Requirements

- ODE must request that each contracted assessment vendor provide an analysis explaining how questions and end-of-course exams align to academic content standards.
- This will be provided to all districts and schools for all grade levels, beginning with 2019-2020 and beyond.
- Vendors will be requested to provide information and materials to school districts for assistance with the assessments, including practice assessments and other preparatory materials, beginning 2019-2020.

## Third-Grade Assessments – Paper Format

- Beginning 2019-2020 school year:
- School boards may adopt a resolution to give the following third-grade assessments in **paper format**:
  - English language arts
  - Math
  - Or both
- Must submit resolution to ODE by May 1 prior to the school year for which it will apply.
- If submitted, school must give assessment **on paper**, unless for a special education student for whom online is an appropriate accommodation.



# Diagnostic Assessments

- Beginning 2019-2020
- Schools in which less than 80% of students score proficient or higher on third-grade ELA must establish a **reading improvement plan** supported by reading specialists and approved by the board of education.



# Compliance Checklist

- Requires ODE to establish, distribute, and monitor a “**consolidated school mandate report**” for districts.
- By **November 30 of each year**, each district or school will file this report, noting compliance with mandates by checking **Yes** or **No**.
- For any item checked **No**, the district or school will submit a written explanation and action plan to its BOE within 30 days.

# Compliance Checklist

- The checklist covers the following mandates:
  - Training on use of physical restraint or seclusion; harassment, bullying, or intimidation; CPR, AED, and crisis prevention intervention
  - Establishing a wellness committee
  - Compliance with nutritional standards\*
  - Screening for hearing, vision, speech, communications, health or medical problems, and for any development disorders pursuant to R.C. 3313.673
  - Compliance with inter- and intra-district open enrollment
- \* ODE may not require a separate report for the listed items except as provided in 3313.814 – nutritional standards report.

## State Report Cards

- Report cards will include percentage of teachers who are “properly certified or licensed” in R.C. 3319.074 (removes “highly qualified” and NCLB references)
- Subgroup sizes listed below will not be included as subgroups for **annual measurable objectives**:
  - For **2017-18**: Subgroups of **fewer than 25** students
  - For **2018-19**: Subgroups of **fewer than 20** students
  - For **2019-20**: Subgroups of **fewer than 15** students

# Academic Distress Commissions

- ODE must review “all policies and procedures” regarding academic distress commissions and prepare a report, which must include recommendations for all ADCs that exist as of the effective date (Sept/Oct 2018?)
  - Appointment of members
  - Duties and powers of CEO, CEO’s plan to improve district, and any innovative programs established
  - Efficiency of any high-quality school accelerator that exists as of effective date
  - Report card results for the ADC district
- Report due by May 1, 2019
- JEOC will review and hold at least one public hearing.

# Community School Changes

- Defines “management company” the same as an “operator”
- New section: If any **business or family relationship** exists between operator and governing authority (or any officers or employees), the management company must agree to indemnify the community school for financial losses up to the amount of the moneys received by the management company.
- Students previously enrolled in community school will not be considered reenrolled the next year if they fail to participate **in the first 72 consecutive hours** of learning opportunities without legitimate excuse.

# Community School Changes

- Changes coming to FTE for student enrollment in online community schools.
  - ODE will be required to recommend to JEOC definitions for –
    - *documentation of online learning, idle time, educational, noneducational, participation, and classroom*
  - Required to look at how other states determine FTE equivalency
  - Research monitoring technology
  - Recommended definitions due by November 30, 2018
  - JEOC will have one or more hearings and may make recommendations on the definitions by December 31.

## Teacher Qualifications: Notification to Parents

- Districts must **annually** provide notice to parents that **they may request** information regarding professional qualifications of teachers, including the following:
  - Whether teacher has satisfied all requirements for licensure or certification in subject area and grade level or whether the teacher received a waiver for any requirements
  - Whether a paraprofessional provides any services to student, and if so, his or her qualifications
- If requested, this information must be provided in a timely manner.

# Teacher Requirements

- Eliminates the requirement that a teacher of a core subject area be “highly qualified”
  - Core subject areas = reading and ELA, math, science, **social studies (new)**, foreign language, and fine arts
  - **Removes** government, economics, history, and geography
- As of **July 1, 2019**, districts may not employ teachers to teach in core subject areas unless they are properly certified or licensed
- Repeals a section of the Revised Code (3319.58) that requires teachers of core subject areas to take exams to prove their knowledge of the subject area when certain circumstances are triggered, such as low teacher ratings or low school building academic performance rankings

# Paraprofessional Requirements

- Eliminates the requirement that paraprofessionals be “highly qualified”
- Requires paraprofessionals to be properly certified by –
  - holding an educational aide permit and
  - satisfying at least one of the following conditions:
    - Designated as **ESEA Qualified** on educational aide permit
    - Completed **2+ years of coursework** at accredited institution
    - Holds an **associate degree** or higher from accredited institution
    - Attains a **qualifying score** on ODE’s academic assessment
- As of **July 1, 2019**, districts may not employ paraprofessionals to provide academic support in a core subject area unless properly certified.

# Nonteaching Employee Contracts

- Modifies the contract sequence for nonteaching employees.
- Delays eligibility for a continuing contract.
- Contract sequence for **newly hired regular nonteaching school employees** is as follows:
  1. One 1-year contract
  2. **First 2-year contract**
  3. **Second 2-year contract**
  4. **Third 2-year contract**
  5. Continuing contract

# Licensure Grade Bands

- **Changes** the grade bands for the following licenses issued after the effective date of this amendment:
  - Resident educator license
  - Professional educator license
  - Senior professional educator license
  - Lead professional educator license
- To the following:
  - Pre K–5
  - Grades 4–9
  - Grades 7–12
- This **does not apply** to the above licenses issued prior to the effective date of this amendment.

# Grade Bands

- This change **does not apply** to licenses to teach in the following areas:
  - Computer information science
  - Bilingual education
  - Dance
  - Drama or theater
  - World language
  - Health
  - Library or media
  - Music
  - Physical education
  - English as a second language
  - Career technical education
  - Visual arts
  - Any license issued to an intervention specialist including gifted intervention specialist
  - Any other license that does not align to grade band specifications

# Substitute Teaching Educator Licenses

- Beginning **July 1, 2019**, requires ODE to issue and renew substitute educator licenses only under new section of the Revised Code.
- Licenses under former section will remain in effect until term or renewal term ends; then new law will be in effect for subsequent licenses.
- Requires the applicant to hold a postsecondary degree but not in any specified subject area.
  - Note: **Career tech substitutes** are exempt from provision requiring postsecondary degree.
- Short- and long-term substitute licenses will no longer be used.

# Substitute Teaching Educator Licenses

## One License with Two Options

1. If the license holder's postsecondary degree is in **education or a subject area directly related** to the subject they will teach, they may work an **unlimited** number of days.
2. If license holder's postsecondary degree is in a **subject area not directly related** to the subject they will teach, they may teach for **one full semester**, subject to BOE approval.
  - Superintendent may request additional semester-long periods for the license holder to teach as a substitute
  - **No limit** to the number of extensions that may be requested

## Recent Rule Change: Short-Term Substitute Teachers

- Length of service for short-term substitutes
- Effective from November 2, 2017, **until new law takes effect**
- OAC 3301-23-44
  - Under the new teacher short-term substitute rule, a school district may assign a short-term substitute to one classroom for up to 60 days (former law was 5 days).
  - On day 61, however, a substitute must possess a long-term substitute license for the grade level(s) and subject area(s) – you **cannot rotate short-term substitutes** to avoid this rule!
- **Takeaway:** Anticipate staffing needs if you know you will have an absence of 60 days or more.

# New License: Early College High School

- Nonrenewable 4-year initial early college high school educator license for teachers at an early college high school
- For teachers of grades 7–12 in the following areas:
  - College Credit Plus
  - International Baccalaureate
  - Advanced Placement
- License valid only at the employing school
- After 4 years, the teacher may apply for a renewable 5-year professional educator license in the same subject area.
- Applicant requirements:
  - Graduate or terminal degree in field related to subject area taught
  - Passing score on a state board exam in subject area taught
  - Experience teaching students at any grade level
  - Proof that an early college high school intends to employ them

# New License: Supplemental Teacher

- **Supplemental Teaching License**
  - State board shall establish rules for supplemental teaching license
- **Superintendent Request**
  - License issued upon superintendent's request
- **Individual Criteria**
  - Holds a current professional/permanent Ohio certificate or a resident, professional, senior pro, or lead pro educator license
  - Is of good moral character
  - Is employed in a supplemental licensure area or teaching field
  - Completes a state board exam in the licensure area – Note: May work a maximum of 60 days while completing this requirement
  - Completes additional coursework while employed under supplemental license, and completes testing for full licensure in the supplemental area

# New License: Supplemental Teacher

- **Mentor**

- The district must assign a mentor – an experienced teacher with a license in the same or related content area as the supplemental license

- **Multiple Supplemental Licenses**

- Before obtaining a supplemental license in another area, the license holder must complete the supplemental licensure program or equivalent and be issued a standard teaching license in the area of the currently held supplemental license.

- **Advancement to Standard License**

- Superintendent must verify successful teaching for 2+ years in the area of licensure
- Applicant must complete state board requirements for license



## Preschool Staffing Ratio

- **Retains** current law staffing ratios for preschool children with disabilities.
- **Adds new language** that a minimum of 10 hours of services per week will be provided for each child served by a center-based teacher unless an IEP specifies otherwise.



# Gifted Education

- Includes **international baccalaureate** as an option for the services that may be included in a plan for gifted students.



## Five-Year Forecasts

- Prohibits ODE and state auditor from requiring a board of education to submit its five-year forecast prior to **November 30** of any fiscal year
- This prohibition is also in HB 87.

# Uncodified Law in SB 216

- **College Credit Plus**

- Requires study on results and cost-effectiveness of College Credit Plus, and report to governor, higher ed, General Assembly, and all school and ESC superintendents. Study must include cost-effectiveness for K-12 schools and participants, and whether participants save time and money in the program.

- **Operating Standards for Gifted Education**

- Operating standards for gifted education must be revised by July 1, 2019, to reflect Section 4 uncodified provisions.



# Uncodified Law in SB 216

- **Kindergarten Readiness Assessment**
  - Advisory group must recommend ways to improve use and administration of the KRA by September 1, 2019.
- **State Assessments**
  - ODE will report to the General Assembly comparing assessment results for state assessments on paper and online for 2019-20 and 2020-21 as soon as possible after the 2020-21.

# Uncodified: ECOT-Displaced Students

- **Safe Harbor**

- Applies to students who
  - (1) were enrolled in an online school that was suspended in 2017-18 before end of year (i.e. ECOT) and
  - (2) enrolled in another community or public school
- Student will be excluded from community school ADM in rating of academic performance for purposes of sponsor evaluations
- If community school enrollment rose by **more than 10%**, the school will remain open unless meets closure criteria for 3 yrs.
  - Note: Amended to **more than 20%** in HB 87
- School districts with **more than 10%** enrollment from the school will not be considered a “new challenged school district” where new community schools may be located.
  - Note: Amended to **more than 20%** in HB 87



# Uncodified Law in SB 216

## • Online Schools

- Joint committee established to study funding to online schools and report specific recommendations for the following:
  - A funding system that bases payment on a student's demonstrated competency of subject matter
  - Defining categories of expenses for which a school management company must provide detailed accounting
- Must examine other states' funding models
- Submit report by November 15, 2018, after which committee will sunset.



# Other Legislation Awaiting Governor's Signature



# HB 87: Community Schools

- **Status**

- Passed in both chambers
- Delivered to governor for signature on July 24

- **School District Funding**

- New section, R.C. 3314.52, requires that funding be **returned to local school districts** when a charter school audit leads to a finding for recovery

- **Online School Standards**

- New section, R.C. 3314.232, requires the state superintendent to adopt standards for **learning management software** for internet- and computer-based community schools

## HB 87: Community School Funding

- Current law requires ODE to develop policies that reduce funding payable to community schools when the school is supposed to provide computer hardware and software to students, if that hardware and software is not delivered, installed, and activated, or if educational materials or services have not been provided.
- Tweaks this language from:
  - Current language: "...policies adopted *jointly* by the superintendent of public instruction and the auditor of state..."
  - New language: "... policies adopted by the superintendent of public instruction, *in consultation with* the auditor of state..."



# HB 87: Health Insurance

- **Districts with Healthcare Self-insurance, HSAs**
  - May contract with other political subdivisions and county boards of DD for providers of mental health or health services (new) and for policies, contracts, and plans of insurance.

## HB 87: School District Treasurers

- **Employment documents:** New section, R.C. 3313.241, allows **only a district superintendent or president of the board** to sign and execute employment contracts, salary notices, and other employment-related documents of the **school district treasurer and any member of the treasurer's family.**
- **Board meeting minutes:** Treasurer shall attest to the accuracy of school board meeting minutes, but this does not authorize or execute any actions taken or not taken during the meeting.
- Prohibits requiring **five-year financial forecasts** of public schools before November 30 of any fiscal year

# HB 87: Substitute Levies

- **Purpose of Substitute Levy (existing law)**
  - A substitute levy is a substitute for an existing emergency levy
  - A substitute levy allows a school district to capture additional revenue from new construction
- **Pending in HB 87**
  - **A substitute levy may not be placed on a ballot during the final year of collection of an existing emergency levy**
    - This appears to help clarify the position recently taken by the Ohio Department of Taxation:
      - If a substitute levy does not take effect until after an emergency levy expires, there is no levy to substitute for.

## HB 87: Safe Harbor

- **Amends uncodified Section 11 of SB 216** to create a “safe harbor” for schools whose enrollments were affected by more than **20%** due to enrolling students of a suspended e-school in 2017-2018 (ECOT):
  - Community schools shall not be subject to closure unless subject to closure based on performance with enrollees omitted
  - Public school districts shall not be considered a new challenged school district where new community schools may start up

## SB 239: Councils of Government

- Status: Delivered to governor for signature on July 24
- Clarifies that COGs are subject to Ohio's ethics laws
- COG members, and names of public officials representing their district who serve on the council, are public record.
- Newly formed COGs may not take official action until notifying Auditor of State of formation. Action taken before that notice (other than the action to form a COG) is void.
- COG members/office holders are not public officials or employees, except that a COG is a public agency for purposes of R.C. Chapter 102 and is a political subdivision for purposes of R.C. Chapter 2921 (Ohio's ethics laws).

## SB 239: Indemnification

- A **political subdivision** is not required to defend, indemnify, or hold harmless an employee in a civil action containing allegation for damages for injury, death, or loss to person or property caused by the employee's act or omission if any of the following apply:
  - The act or omission occurred while the employee was not acting in good faith
  - The act or omission occurred while the employee was acting manifestly outside the scope of employment/responsibilities
  - The civil action is commenced by or on behalf of a political subdivision
  - The employee is an employee of a regional COG *and* is not employed by a political subdivision member of the COG *and* the act or omission is a violation of R.C. Chapter 102 or 2921

# HB 318: School Resource Officers

- Status: Delivered to governor for signature on July 24
- **“School resource officer” defined:**
  - “A peace officer who is appointed through an MOU between a law enforcement agency and a school district to provide services to a school district or school”
- SROs must complete both of the following:
  - Basic training through Ohio peace officer training commission
  - At least 40 hours of SRO training within 1 year after appointment approved by Ohio peace officer training commission
    - NASRO
    - OSROA
    - Peace officer certified to train
  - Note: Current SROs are exempt.



# HB 318: SRO Memorandum of Understanding

- **Memorandum of Understanding**

- **Districts must enter into MOU** with law enforcement agency
- MOU must clarify purpose of SRO program, roles, expectations
- If district already has an SRO, must enter into MOU within one year after effective date of bill

# HB 318: Memorandum of Understanding

- The MOU must address the following:
  - Goals for SRO and background or suggested expertise (child/adolescent development)
  - Professional development/training on age-appropriate practices for conflict resolution and de-escalation, crisis intervention methods
  - Roles, responsibilities, and expectations of SRO, school administrators, staff, and teachers
  - Protocol for handling criminal activity vs. school discipline
  - Coordinated crisis planning and updating school crisis plans
  - Discretionary items to build safe and positive learning environment, positive relationship with law enforcement, staff, decreasing youth in juvenile justice system
  - Students may be given input into drafting process for the MOU through the school administration.

# HB 318: SRO Services

- **SRO may perform following services:**
  - Assist with emergency management plan (adoption, implementation, amendment). SRO must consult with local law enforcement and first responders in this work.
  - Additional responsibilities such as follows:
    - Providing safe learning environment
    - Being a valuable resource to school staff
    - Fostering positive relationships with students
    - Developing problem-solving strategies affecting youth and protecting all students

# HB 318: Uncodified Section Funding

## • School Safety Funding

- Adds \$12 million in funding for school safety training grants for fiscal year 2019
- The use of school safety training grant funding includes but is not limited to the following:
  - Support of SRO certification training
  - Any type of active shooter and school safety training
  - All grade-level type educational resources
  - Training to identify and assist students with mental health issues
  - Any other training related to school safety
- Schools and county boards must work or contract with police department or sheriff's office to develop programs and training.

# HB 318: SAFE Act

- **SAFE Act: Supporting Alternatives for Education Act**
  - Includes PBIS, discipline for violating code of conduct, including suspension of students in preK–3
- **Positive Behavior Intervention and Supports**
  - Within 3 years of effective date, districts must provide **continuing education or professional development in PBIS** as part of school-wide implementation of PBIS framework to the following:
    - Teachers who completed teacher prep program that did not include PBIS
    - All district administrators preK–3 that have not completed a course, continuing ed, or professional development in PBIS (includes superintendent, building principals, assistant principals)
  - LPDC must establish model professional development courses and monitor compliance.

# HB 318: PBIS – State Board Framework

- Requires state board to establish both of the following:
  - A policy and standards for implementation of PBIS **and**
  - A policy and standards for use of seclusion and restraint
- **Definition of PBIS**
  - “A multi-tiered, school-wide, behavioral framework developed and implemented for the purpose of improving academic and social outcomes and increasing learning for all students”

# HB 318: PBIS – State Board Updates

- State board must update **OAC 3301-35-15** as follows:
  - Districts must implement PBIS on a system-wide basis
  - Districts must comply with SBOE policy and standards updates
  - Districts must submit any required reports to ODE or the General Assembly on PBIS, suspension and expulsion of preK–3 students
  - District PBIS frameworks may focus on the following:
    - Data systems that enable monitoring of academic progress, behavioral incidents, attendance, and other indicators
    - Investment in curricula & instructional strategies, matched to student needs, and data to support academic instruction
    - Expectation that classroom practices be aligned to school-wide system
    - Improving staff climate/culture regarding classroom discipline via positive and proactive communication and staff recognition



# HB 318: PBIS

- **Report Cards**

- State report cards will indicate, as a Yes or No answer but not as a letter grade, whether a district has a PBIS framework in compliance with law

- **Zero-Tolerance Policy**

- Policy must comply with state law (no disciplinary suspensions for truancy/absence) and PBIS policy

# HB 318: More Uncodified Section Funding

## • School Climate Grants

- Adds \$2 million in funding for fiscal year 2019 for school climate grants
  - To implement PBIS frameworks, evidence- or research-based social and emotional learning initiatives, or both
- Administered by state superintendent based on priority
  1. Districts with one or more schools with higher than average percentage of students identified as economically disadvantaged
  2. Districts with one or more schools with high suspension rates
  3. Other districts
- Maximum amount of \$5000/school or \$50,000/district

# HB 318: SAFE Act – Suspension/Expulsion

- **R.C. 3313.66: Suspension**

- Students must be allowed to complete assignments missed for out-of-school suspension (OSS).
- Students on in-school suspension (ISS) also must be allowed to complete assignments and serve suspension “in a supervised learning environment.”

- **R.C. 3313.66: Expulsion**

- Adds to the statute’s mention of expulsion for bringing a knife (up to 1 year) the phrase “capable of causing serious bodily injury”



# HB 318: SAFE Act – Emergency Removals

- **R.C. 3313.66: Emergency Removal**
  - PreK–3 may be removed only for the rest of the school day and shall return the next day.
  - No written notice and no hearing required for these removals. Student returns the next day.

# SAFE Act: PreK–3 OSS & Expulsion

- **R.C. 3313.668(B)(1)(a)**

- May not issue OSS or expel preK–3 **unless** the student:
  - Brings a **firearm** to a school or school event, activity, property
  - Brings a **knife** capable of causing serious bodily injury
  - Commits act that is a **crime** for an adult and that results in serious physical harm to persons or property while at school, school event, or activity
  - Makes **bomb** threat to a school building or premises of activity

- **R.C. 3313.668(B)(1)(b)**

- May issue a **10-day OSS** as necessary to protect immediate health and safety of student, classmates, classroom staff and teachers, or other school employees

# SAFE Act: PreK–3 OSS & Expulsion

- **R.C. 3313.668(B)(2)–(4)**

- **B2:** Principal should consult with a mental health professional under contract with the district prior to suspending/expelling preK–3 students. If mental health services needed, the principal/mental health professional shall assist parent or guardian in locating providers or referrals. No financial burden to district or parents required.
- **B3:** Suspended/expelled preK–3 students get same notice and hearing as all other students in R.C. 3313.66.
- **B4:** Still may issue ISS for preK–3 as long as in a supervised learning environment.

## Implementation & Report to ODE

- For the next 4 years, each school or district must report to ODE the number of OSS and expulsions issued to preK–3 students for the following offense categories:
  - Offenses in **R.C. 3313.668(B)(1)(a)** – gun, knife, crime, bomb
  - Offenses in **R.C. 3313.668(B)(1)(b)** – 10-day OSS for protection
  - **Any other offense** not described above
- Data from 2018-2019 report will be used as baseline data.
- After 2021-2022, schools shall report to ODE the above data only if ODE deems it necessary.

# Implementation Plan

- **2021-2022**

- Full implementation begins. Until then, schools are considered in compliance with R.C. 3313.668

- **2018-2019 – Baseline Year**

- Districts shall issue all suspensions and expulsions according to R.C. 3313.66. All districts are exempt from compliance with R.C. 3313.668(B).

- **2019-2020**

- Districts must comply with R.C. 3313.668(B)(2) and (3)
- District is considered in compliance with R.C. 3313.668(B)(1) if it reduces the “**any other offense**” category of OSS and expulsion by **25%** from baseline report to ODE

# Implementation Plan

- **2020-2021**

- Districts must comply with R.C. 3313.668(B)(2) and (3)
- District is considered in compliance with R.C. 3313.668(B)(1) if it reduces the “**any other offense**” category of OSS and expulsion by **50%** from baseline report to ODE

- **2021-2022 and Each Year After**

- All OSS and expulsions of preK–3 students must comply with R.C. 3313.668(B)
  - Number of OSS and expulsion in the “**any other offense**” category must be **zero**
  - All preK–3 suspensions and expulsions must be for offenses in R.C. 3313.668(B)(1)(a) and (b)

## HB 312: Credit/Debit Cards

- Passed in both chambers
- Requires school districts to have a board policy on use of district credit cards as well as control measures to prevent fraudulent activity
- Removes debit cards as a means by which a designated district official may draw money from a petty cash account for purchases made
- Requires that a school district BOE, governing ESC board, or governing authority of an IT center adopt a written policy for the use of credit card accounts

## HB 312: Credit/Debit Cards

- Policy must be adopted no later than 3 months after effective date if district/ESC holds a CC account currently, or before first holding a CC account.
- The policy must address the following:
  - Authorized users
  - Types of expenses for which the CC may be used
  - Procedure for acquisition, use, and management of account and presentation instruments including cards and checks
  - Procedure for submitting itemized receipts to treasurer/CFO
  - Procedure for CC issue, reissue, cancellation, and reporting lost or stolen cards
  - Maximum credit limit
  - Actions or omissions that qualify as misuse of a CC account

## HB 312: Credit/Debit Cards

- School district or ESC name must appear on presentation instruments (cards/checks)
- Treasurer or CFO may use a system to sign out cards to approved authorized users, who are liable to reimburse the amount for which they do not provide itemized receipts
- If treasurer or CFO does not control the account, board may appoint a compliance officer, who –
  - may not use the account unless he/she is the superintendent,
  - must review account transactions monthly, and
  - must review cards and accounts, expiration dates, and credit limits every six months.

## HB 312: Credit/Debit Cards

- Use for unauthorized expenses constitutes misuse.
- Treasurer or CFO must annually file a report with the board detailing all rewards received based on use of the account.
- **Public Records amendment**
  - Adds “electronic submission” to the transmission methods by which a public records requestor may receive damages if the office or person does not comply with the request



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# Pending Legislation



# HB 360: Bullying, Harassment, Intimidation

- Passed in House; currently in Senate Ed Committee
- Enacts the Ohio Anti-Bullying and Hazing Act
- Charges SBOE to provide districts with evidence-based best practices of policies to prohibit harassment, intimidation, and bullying. Best practices and model policy must be reviewed every 4 years.
- Adds to the definition of *hazing*, any act to continue or reinstate membership in or affiliation with any student or other organization
  - Recklessly permitting hazing = second-degree misdemeanor
  - Knowingly permitting hazing when it causes serious physical harm = fourth-degree felony



## HB 360: District Anti-Bullying Policy

- District policy must be posted on the district's website, if district has a website
- BOE may develop a community service plan that anti-bullying policy offenders must complete. The plan must include specific goals and timelines for the student to perform community service during suspension or expulsion.

# HB 360: District Anti-Bullying Policy

- Includes acts toward an administrator, employee, faculty member, teacher, consultant, or volunteer
- Includes hazing
- Policy must apply to grades K–12
- For each prohibited incident, the district must maintain a record verifying that parent or guardian was notified
- Policy must comply with R.C. 3313.669
- Must include a disciplinary procedure for any student guilty of retaliation against someone who reports an incident of bullying, harassment, or intimidation
- Board must review policy every 3 years, update as needed

## HB 360: Board Policy

- New section, R.C. 3319.669, requires discipline for offenses within the same school year as follows:
  1. Up to 10 days' ISS for first offense\*
  2. Up to 30 days' ISS for second offense\*
  3. Up to 182 days' suspension or expulsion for third offense

\* Districts may impose OSS or expulsion if more appropriate.
- Suspended or expelled students must complete all missed schoolwork but may be permitted to return if they have made sufficient progress.

# HB 360: Board Policy

- Districts **may**:
  - Impose additional measures, such as community service
  - Provide counseling or intervention services to the offender, upon parental consent, or help the offender find community resources
  - Offer counseling services to the victim
- Districts **must**:
  - Permit the student to complete all missed schoolwork and may offer tutoring and academic support for this purpose
  - Permit the student to take all required state assessments in the regular school setting
  - Prohibit the student from participating in extracurriculars
  - Permit victims to complete all missed schoolwork and may offer tutoring and academic support for this purpose

## HB 360: Investigation and Hearings

- Upon notice of a potential incident of harassment, intimidation, or bullying, the principal or other admin shall conduct an investigation.
- Administrator may petition BOE for alternative form of discipline in lieu of suspension or expulsion if certain conditions are fulfilled.
- Superintendent must give parent notice of intent to suspend or expel and provide an opportunity to challenge the decision or explain the student's actions.
- Parent or student may appeal to school board, which may affirm the order or reinstate the student.
- This does not apply to K–3 students.

# HB 491: Substitute Pupil Services Personnel

- Passed in House; now in Senate – **priority bill** for Senate
- Enacts a new section of the Revised Code for licensure of substitute pupil services personnel
- Eight categories of personnel:
  1. Speech language pathologist
  2. Registered nurse
  3. Physical therapist
  4. Occupational therapist
  5. Audiologist
  6. Social worker
  7. PT assistant
  8. OT assistant
- Requires current valid occupational license and background check
- Requires recommendation and request of superintendent
- Amendment requires that RNs hold bachelor's degree
- License valid for 1–5 years per state board

## SB 82: Parent Notification of School Absences

- Passed Senate in April; in House Committee on Education and Career Readiness
- Requires schools to call parents **within 120 minutes** if a student is absent without legitimate excuse.
- Legislators discussed that a call within 60 minutes, as the bill initially required, or within 90 minutes as the bill was later amended, would be very difficult for schools.

# HB 425: Body Camera Records

- Passed in House on June 27
- **Exempts** the following from public records law:
  - “Restricted portions” of peace officers’ body cam or dash cam recordings
  - Infrastructure record of a public school – this is not subject to a public records request
- **Examples of Restricted Portions**
  - Image or identification of a child
  - Death of a person or a body, unless death caused by officer
  - Death of officer, firefighter, etc. occurring in the line of duty
  - Grievous bodily harm, unless caused by officer

# HB 428: Religious Expression

- Passed in House on June 27 by a vote of 67-26
- Enacts the Ohio Student Religious Liberties Act of 2018
- Requires public schools to give students the same access to school facilities for a religious meeting as it would for a secular groups, without regard to the content of the group's religious expression
- Removes a provision that permits schools to limit the exercise or expression of religion to lunch or other noninstructional time periods
- Prohibits schools from restricting religious expression in homework, artwork, or other assignments



## HB 522: Liquor Permits

- Passed in House on June 20; awaiting Senate action
- Allows outdoor refreshment areas to include F permit holders
- Relevant to booster groups

## HB 526: School Safety

- Currently in House Education & Career Readiness Committee
- Authorizes schools to enter into an agreement with a volunteer law enforcement officer to patrol school premises to prevent or respond to a mass casualty event
- Provides the parties with qualified immunity
- Provides the officer with a tax credit for volunteer service



## HB 702: ESC Grants

- Currently in House Finance Committee
- Makes an appropriation for grants to support the employment of social workers at ESCs
  - \$2.6 million total funding added
  - \$50,000 for each ESC for the employment of one or more social workers at the center

# HB 705: Treasurer Liability

- Currently in House Government Accountability and Oversight Committee
- Attempts to clarify the circumstances in which school district and ESC treasurers may be held liable for a loss of public funds
- Not liable for a loss of public funds when performing all official duties with reasonable care, but “liable only when a loss of public funds results from the treasurer’s negligence or other wrongful act”
- Not liable when relying on the accuracy of nonfinancial information or data, including EMIS reports, transportation reports, and licensure or credentialing – unless resulting from negligence or other wrongful act
- Has anything changed?

## SB 314: Mental Health

- Introduced in Senate on June 27
- Requires schools districts to employ school psychologists and intervention specialists
  - One each for the first 1000 students
  - One more each for each additional 600 students
- Provides an additional payment to school districts for psychologist and intervention specialist services – “an amount equal to the respective statewide average salary for a school psychologist or intervention specialist”
- Requires districts to administer a mental health screening assessment to identify and aid those students determined to be in mental or emotional distress
- Adds \$313.5 million to the state budget for this purpose

## **SB 276 & 289: Student Expulsions**

- Two bills in Senate Education Committee
- Student expulsions for actions that endanger the health and safety of other students or school employees: Max 180 days (SB 276)
- Student expulsions for communicating a threat to kill or do physical harm on school grounds: Max 60 days (SB 289)
- Both bills include additional expulsion days if certain conditions are not fulfilled



# Questions?

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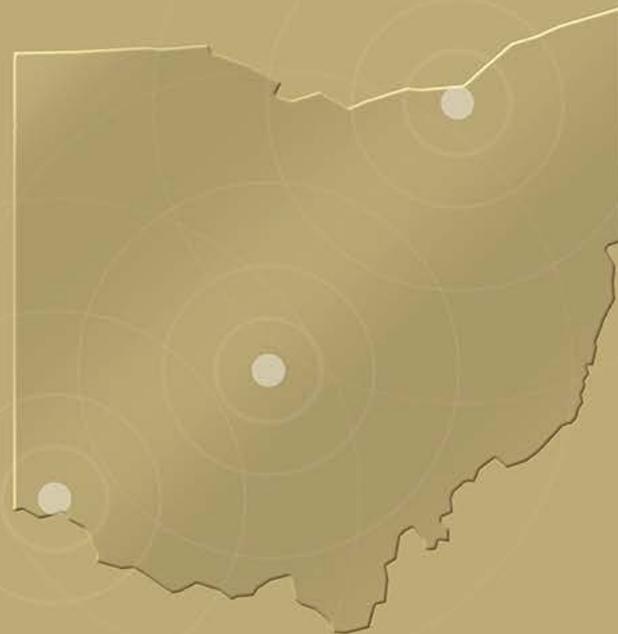
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