



PDQ

Quarterly

Policy Development Services

Ohio School Boards Association

May 2010

End of school year a busy time for districts

by Greta Gardner
deputy director of policy services

It is finally spring, the time when students begin to think about end-of-the-school-year activities, such as prom, spring athletics and final exams. On the other hand, administrators are preparing for the next school year by updating student handbooks and the school calendar. Throw in grading final examinations, year-end financial responsibilities and graduation exercises, and it makes for a very busy spring.

Student handbooks

Administrators are responsible for reviewing and updating student handbooks for the next school year. The creation of comprehensive, well-written student handbooks is crucial to the efficient operation of schools. Handbooks are one of the methods used to inform students and parents of their responsibilities and rights.

In order to ensure consistency of student handbooks, administrators should meet to decide what goes into these handbooks. The layout of student handbooks should be the same, and the codes of conduct should be consistent across grade levels. Obviously, certain violations of the code of conduct are unique to particular age groups. An example might be a student who loses driving privileges because of too many unexcused absences. While this is appropriate for high school students, it

would not affect elementary students.

One way to ensure students and parents read the handbooks is to have both sign a form on the back page of the publication. This also is a good place to put additional sign-off releases, including a release of directory information, emergency medical authorization forms and Internet-access permission forms.

School calendars

The calendar for the upcoming school year is typically prepared by the superintendent, often with the assistance of administrators and other

staff members, and presented to the board for approval in the spring of each year. Consulting other district administrators in the surrounding area to coordinate transportation needs, school events and athletics is a critical part of developing calendars.

The calendar includes the days schools are in session, holidays, vacation periods, in-service training days, teacher orientation days, make-up days and days student progress reports are sent to parents.

Activities listed on the official activities calendar are the only officially approved activities sanctioned by the

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board, superintendent and administrators. Activities not included on this calendar, whether through oversight, lack of advance planning by staff or for some other acceptable reason, may be added later. Such requests must be approved by the superintendent.

Student fees, fines and charges

Included in the end-of-the-year district responsibilities is tracking students' outstanding fees, fines and charges.

Districts provide textbooks free to all students; however, fees may be assessed for additional instructional materials. Students eligible for free lunches cannot be charged fees for materials needed to participate fully in courses of instruction.

Fees may be charged for participation in extracurricular activities since they are not part of the definition of a "free and public education." In addition, parking charges may be assessed to students who drive to school.

The board also may approve a

schedule of fees to charge students for the loss, damage or destruction of school property, equipment and materials, including textbooks and library books. Students or parents of students who purposefully destroy district property, equipment or materials may have to pay replacement costs, and also can be charged with vandalism and fined up to \$10,000, plus court costs.

Fee payments may be enforced by withholding students' grades and credits, excluding participation in extracurricular activities or denying the privilege to participate in commencement exercises. Boards of education need to provide clearly defined policies as to their stances on student fees, fines and charges. Doing so enables the administrative team to clearly articulate to students the financial expectations regarding extracurricular activities, the damage and/or destruction of district property and the board's right to withhold grades and participation in certain activities. This information should be included in

the student handbooks.

Graduation

Districts often question the issue of prayer during commencement exercises. The U.S. Supreme Court does not permit school-sponsored prayer during commencement. The key word in that sentence is "school-sponsored." Some districts have attempted to circumvent the court's decision by allowing the graduating class to decide whether or not to include prayer during the commencement exercises.

Separate baccalaureate services (an address to the graduating seniors in the form of a sermon) are permissible, as long as the district is not a sponsoring entity, attendance is voluntary and the service does not occur during school time and/or on school grounds.

Another issue that often surfaces is when a student has passed the curriculum requirements for graduation, but fails to pass the state-mandated graduation tests. Will the board permit the student to participate in commencement exercises? This is up to the board to decide, but participating in the ceremony does not entitle the student to a diploma.

As you can see, while students are winding down at the end of the school year, the administration is busy putting the final touches on the current school year and preparing for the next one.



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House Bill 10 provides additional protection for minors

by Donna Williams
management development specialist

On the heels of House Bill (HB) 19, known as the dating violence bill or the Tina Croucher Act, the state legislature has passed another bill designed to protect young people from abusive relationships. The new bill is HB 10, the Shynerra Grant Law. Among its many provisions, this bill creates a new procedure for minors to file protective orders against other minors. Let's take a look back at HB 19, as well as look at the provisions of the new bill.

HB 19

Signed into law on Dec. 28, 2009, HB 19 became effective March 29, 2010. Titled "The Tina Croucher Act," in memory of an 18-year-old young woman from southwestern Ohio who was killed by her ex-boyfriend, HB 19 seeks to address the issue of dating violence through board policy, student education and staff training. Here's a brief summary of the bill's provisions:

- Requires each school district, including a joint vocational school district; community (charter) school; and science, technology, engineering and mathematics (STEM) school, to incorporate violence within a dating relationship into its existing policy prohibiting student harassment, intimidation or bullying. This must be done within six months of the bill's effective date.
- Directs the State Board of Education to update its model policy prohibiting harassment, intimidation or bullying to include dating violence within six months

of the bill's effective date.

- Requires that each school district include, within the district's health curriculum, *age-appropriate* instruction in dating violence prevention education in grades seven to 12. This instruction must include recognizing the warning signs of dating violence and the characteristics of healthy relationships.
- Requires each school district, community school, STEM school and ESC to provide training in dating violence prevention for all employees who work in a middle or high school as a teacher, administrator, counselor, nurse or school psychologist. Each district, school (community and STEM) and ESC *must develop its own curriculum* for the training of employees.

HB 10

Effective June 17, 2010, HB 10, also known as the "Shynerra Grant Law":

- Continues the current procedure for obtaining a protection order for those persons who have been menaced by

stalking or been victims of certain sexually oriented crimes against offenders 18 and older.

- Creates a procedure in the juvenile code for obtaining a civil protection order against a minor, parallel to the continuing procedure for obtaining a protection order against offenders 18 and older, for:
 - felonious assault,
 - aggravated assault,
 - assault,
 - aggravated menacing,
 - menacing by stalking,
 - menacing,
 - aggravated trespass,
 - a sexually oriented offense,
 - a violation of a municipal ordinance that is substantially equivalent to any of the above listed offenses.
- Expands the jurisdiction of the juvenile court to hear and determine matters involving protection orders or consent agreements against a minor and to enforce those orders or agreements until a date certain but not later than

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the date the offender turns 19.

● Requires that petitions for protection orders against minors be filed in the juvenile division of the common pleas court in the county in which the petitioner resides.

● Provides that a civil protection order against a minor may be filed by:

- any person on behalf of the victim,
- any parent or adult family or household member on behalf of any other family or household member,
- any person determined by the discretion of the court to be an appropriate person to seek relief on behalf of any victim under the age of 18.

● Includes a foster parent in the definition of “family or household member” in the criminal and civil domestic violence laws.

● Authorizes the juvenile court, after appropriate hearings, to issue a civil protection order that contains terms designed to ensure the safety and protection of the person to be protected, including the electronic monitoring of the offender upon certain allegations and findings, and requires the protection order to clearly state that the person to be protected cannot waive or nullify by invitation or consent any requirement in the order.

● Provides that the juvenile court may determine if the offender, who is under 18, is entitled to court-appointed

counsel in the proceeding for a civil protection order.

● Allows victims of domestic violence to apply for a civil protection order or consent agreement in the juvenile division of the common pleas court in the county in which the person to be protected resides, if the offender is under 18.

● Requires that a civil protection order or consent agreement against an offender who is under 18 includes a provision that the juvenile court will automatically seal the records of the proceeding in which the order is issued or the agreement approved on the date the offender attains 19 years of age unless the petitioner provides the court with evidence that the offender has not complied with all of the terms of the order or agreement, and requires the order or agreement to specify the date when the offender turns 19. The court must deliver a copy of the protection order to the offender and his or her parent, guardian or legal custodian on the same day the order is issued.

● Requires a juvenile court that issues a civil protection order or approves a consent agreement against a person who is under 18 to automatically seal all of the records of the proceeding in which the order was issued or the agreement approved on the date the offender turns 19, if the court determines that the person has complied with all of the

terms of the order or agreement, and requires a juvenile court to automatically seal all of the records in the applicable proceeding if it does not issue any civil protection order or approve any consent agreement in the proceeding.

● Provides that if a juvenile court determines that an offender under 18 against whom a protection order or consent agreement is issued or approved did not comply with all of the terms of the protection order or consent agreement, the juvenile court must consider sealing all of the records of the proceeding upon the court’s own motion or the application of the person, and the motion or application may be made at any time after two years after the expiration of the protection order or consent agreement.

● Includes “violating a protection order” as an offense in a juvenile court for an offender under 18 who violates a civil protection order or a consent agreement.

● Provides that the court is no longer required to electronically monitor an indigent minor who is the subject of a protection order issued under HB 10 once the maximum amount of \$300,000 that can be paid out of the Reparations Fund for electronic monitoring under protection orders and consent agreements is reached.

● Designates the provisions of HB 10



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that pertain to civil protection orders against minors; electronic monitoring; the offense of violating a protection order; sealing juvenile court records in protection order proceedings; the juvenile court's exclusive jurisdiction over protection orders and consent agreements against minors; and the

inclusion of foster parents as victims under the domestic violence laws as the Shynerra Grant Law.

Coupled with board policy additions, student education and staff training provisions for dating violence prevention required under the Tina Croucher Act (HB 19), the Shynerra

Grant Law (HB 10) adds another layer of protection for young people victimized by abusive relationships by providing legal protections for victims and electronic monitoring of those minors that abuse. May all of us charged with the care of young people be vigilant to help protect them.

New initiatives seek to improve students' health through better nutrition

by Donna Williams
management development specialist

A bill to reauthorize children's nutrition programs and provide a critical step in ending childhood hunger was approved on March 24, 2010, by the U.S. Senate Committee on Agriculture, Nutrition & Forestry. The Healthy, Hunger-Free Kids Act of 2010 is billed as the most historic investment in child nutrition programs since their inception. This bipartisan legislation provides \$4.5 billion in new child nutrition funding over the next 10 years.

This legislation invests in new initiatives to enroll more students in the national school breakfast and lunch programs; provides options for high-poverty schools to offer universal free meal service to students; increases the reimbursement rate for the National School Lunch Program for the first time in 40 years; improves the nutritional quality of meals served at school; and requires the development of national school nutrition standards for all foods sold on school campuses throughout the school day that are consistent with the federal Dietary Guidelines for Americans. (Current nutrition standards have not been updated in almost 30 years.)

Specific provisions of the bill are contained in three major areas: a path to end childhood hunger; promoting health and reducing childhood obesity;

and improving program management and integrity. Let's take a look at the highlights in each area.

A path to end childhood hunger

- Expands after-school meals for at-risk children nationwide. For the vast majority of states, the Child and Adult Care Food Program's (CACFP) at-risk after-school program only provides reimbursement for a snack. This provision will enable communities in all 50 states to be reimbursed for a meal.
- Expands universal meal service through community eligibility. This new option will allow schools in high-poverty areas to offer free meals to all students without collecting paper applications, which will expand access to more students and reduce administrative burdens on schools.
- Connects more eligible low-income students with school meals. Students whose families receive Supplemental Nutrition Assistance Program (SNAP) benefits are directly certified for free school meals. This provision expands the direct certification process to include Medicaid in select districts in the U.S.
- Provides performance bonuses for direct certification. This provision establishes performance benchmarks for states to improve their direct certification methods and provides incentive bonuses to states to encourage improved performance.
- Establishes categorical eligibility of

foster children. This section adds foster children to the list of those who are automatically eligible for free meals, eliminating the need for foster children to demonstrate family income when applying for school meal benefits.

- Promotes the availability and locations of summer food service program meal sites. The act requires school food authorities to coordinate with institutions operating the Summer Food Service Program to develop and distribute materials to families to inform them of the availability and location of summer meal sites.
- Pilots innovative methods to feed hungry, low-income students by providing mandatory funding to test pilot projects to improve the way schools feed hungry children, including during out-of-school times.

Promoting health and reducing childhood obesity

- Helps schools improve the nutritional quality of school meals. A 6-cents-per-meal, performance-based increase in the federal reimbursement rate for school lunches will be given to schools to help them meet new meal standards to provide students with healthier school meals.
- Sets national nutrition standards for all foods sold in schools. This provision provides the secretary of agriculture the authority to establish national nutrition standards for all foods sold on the school campus throughout the school day.

- Promotes nutrition and wellness in child care settings. This provision establishes nutrition requirements for child care providers participating in CACFP and provides guidance and technical assistance to help providers improve the health of young children.
- Connects more children to healthy local produce through farm-to-school programs by providing mandatory funding for schools to establish school gardens and help them bring local foods into school cafeterias.
- Strengthens local school wellness policies. The 2004 Child Nutrition Reauthorization Act established local school wellness policies. The Healthy, Hunger-Free Kids Act updates those policies by requiring all local educational agencies participating in school meal programs to provide opportunities for public input and transparency in formulating policies, as well as a plan for implementation and measuring compliance.
- Supports breast-feeding in the Women, Infants and Children (WIC) Program. The fiscal year 2010 agriculture appropriations bill provided mandatory funding for a program to recognize exemplary breast-feeding practices at the WIC clinic and agency level. The Healthy, Hunger-Free Kids Act permanently authorizes this program within child nutrition law and expands the collection of WIC program data on breast-feeding rates.
- Improves school food financing. Agriculture department data suggest that federal reimbursements intended for students in the free-and-reduced-

price income category are being diverted from their intended purpose and instead are supporting other parts of the school food service account. The act includes new initiatives designed to empower school food service directors to improve the financial solvency of the school food service account, protect the federal investment in healthy school meals and ensure that low-income students receive the full value of their meal benefits.

Improving program management and integrity

- Establishes professional standards for school food service. The act provides additional training for all local food service personnel and establish qualification standards for those who operate the national school breakfast and lunch programs at the local and state levels.
- Helps schools protect their food service budgets. The act directs the secretary of agriculture to provide guidance on allowable charges to school food service accounts, which will prevent inappropriate school expenses that are not related to the school meal programs from draining resources.
- Simplifies program rules and reduce paperwork for day care sponsors and providers. The act allows CACFP sponsors greater flexibility with their administrative funds, eliminates the need for sponsors and day care centers to resubmit duplicative paperwork each year and eliminates wasteful monitoring practices that do not effectively identify fraud.

- Allows WIC to share educational materials with other programs. The act permits the WIC program to share existing informational and educational materials with CACFP providers to reduce administrative burdens on CACFP and harmonize the programs' educational message to families with young children.
- Modernizes WIC by implementing electronic benefit transfer (EBT). This increases efficiency and reduces participant stigma by transitioning from paper coupons to EBT, as SNAP has successfully done.
- Improves the accuracy of school meal eligibility certifications. The act requires schools with high error rates in determining students' eligibility for free or reduced-price meals to review their work for accuracy before notifying families of their status.
- Improves food safety requirements for school meal programs. Under current law, school food authorities are required to implement school food safety programs covering the preparation and service of each lunch to students. This strengthens food safety protections in the school meals program by extending existing hazard, analysis and critical control points requirements to cover activities like breakfast in the classroom.

From the looks of these provisions, federal legislators have been extremely busy changing old provisions and adding new ones to address the food service needs of students. This gives us all something to look forward to in the new school year.

ODH releases new immunization requirements for 2010-11

*by Donna Williams
management development specialist*

The Ohio Department of Health (ODH) recently added three additional

immunization requirements for the 2010-11 school year. According to ODH, "these new requirements more closely reflect recommendations from the Centers for Disease Control and

Prevention (CDC) Advisory Committee on Immunization Practices, and involved consultation of local health districts, medical providers, the state Medicaid program and school nurses."

By requiring these additional vaccines, ODH hopes to minimize the spread of preventable illnesses in schools and provide students with a healthier learning environment.

Changes

The changes in effect for the 2010-11 school year are:

- The addition of a tetanus, diphtheria and pertussis (Tdap) or tetanus and diphtheria (Td) booster requirement for students entering the seventh grade. The additional Tdap vaccine is to protect against pertussis, also known as whooping cough, a severe respiratory illness that causes violent, rapid coughing that can last for extended periods of time. Cases of pertussis, which mostly occur in school settings, nearly doubled in Ohio between 2008 (628 cases) and 2009 (1,096 cases).

- The addition of a second dose of varicella (chickenpox) vaccine for entry into kindergarten. Varicella is a vaccine-preventable disease that sickens school-age children. A second dose of varicella vaccine provides 99% protection against the disease. By requiring this dose before school entry, ODH believes it will significantly reduce outbreaks of the disease in schools.
- A requirement that the final dose of polio vaccine be administered on or after the fourth birthday for entry into kindergarten.

Free vaccines

School district health professionals should be aware that vaccines are available at no cost for eligible students as part of the federally funded Vaccines for Children (VFC) program. Any child from birth to 18 is eligible to receive

VFC-supplied vaccines if he or she meets at least one of the following criteria:

- the child does not have health insurance;
- the child is enrolled in Medicaid, including Medicaid HMOs;
- the child is an American Indian or Alaskan native;
- the child has health insurance that does not pay for vaccines (applicable only to children attending a federally qualified health center or rural health clinic).

For additional information on student immunizations, contact ODH at (800) 282-0546, or visit <http://links.osba-ohio.org/22661> or CDC Advisory Committee on Immunization Practices at www.cdc.gov/vaccines/recs/acip. A sample policy on inoculations of students is available for PDQ subscribers.

Summertime and the living is easy

by Greta Gardner
deputy director of policy services

Summertime and the living is easy; at least when I was a kid it was easy. I so looked forward to summer for swimming at the local pool, walking around barefoot, riding my bike and not having a schedule. Other than chores and family events, the summer was mine.

Times aren't quite the same anymore. Students' summers are taken up by summer camps and sporting events. Summer camps are a great way for students to gain additional skills in various areas, such as science camps, cheerleading camps and, of course, athletic camps. While these camps benefit the community, school districts need to determine how they want to proceed when operating or permitting the camps to operate on district property.

Camps are organized either by the district or an outside group or coach. If the camp is run by the district, it is considered a school-sponsored activity,

and all district rules and policies must be followed. If the camp is run by an outside group, then the outside group is responsible for collecting the fees and paying personnel to run the camp, as well as facility-use charges and liability insurance.

Board-approved camps are controlled by the school board and its policies. Listed below are some of the benefits when the district operates its own camp:

- The district has a voice in hiring of personnel.
- The district has control over money handling. Fees are paid directly to the district.
- All district rules and policies apply to the group using its facilities.
- The district and its employees have sovereign immunity and are covered by district liability insurance. (This only applies if all rules and policies are followed.)

Summer camps run by a coach or outside group may also benefit the district. Besides giving students an opportunity to improve their skills, the district does not handle the money or

worry about the liability if a participant gets injured. That isn't to say if something goes wrong the district won't be sued, but the sponsoring coach or group is directly liable.

Neither the district nor the outside group should state or imply that participation is required in order for a student to be eligible to play a school-sponsored sport or to "start" in that sport. This is a violation of Ohio High School Athletic Association (OHSAA) rules.

In addition, participation in summer camps may affect a student's athletic eligibility or cause a coach to be suspended if the camp violates OHSAA rules. It is important for the coach or sponsoring organization to be aware of these rules.

While it is important to provide opportunities for students to practice their chosen sport during the summer and learn new skills, it is also important that districts understand their responsibilities when the camps are district-sponsored or sponsored by other groups.

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recommended changes or all the language in the new sample.

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New policies/regulations/exhibits (*provided for information only*)
College and Career Readiness and Financial Literacy Resolution (for submission to ODE)
Immunization Chart 2010-11 School Year (information only)
Student handbook list (information only)

Revised policies/regulations (*add new language shown in bold type and delete language in italic type*)

- *EF, Food Services Management
- *EFB, Free And Reduced-Price Food Services
- *EFF, Food Sale Standards
- *EFG, Student Wellness Program
- *JHCB, Innoculations of Students
- *JHF, Student Safety

Other policies (*provided for information only; feel free to use if interested*)

- CHCA, Approval of Handbooks and Directives
- *ECAB, Vandalism
- IC, School Year
- *ICA, School Calendar
- IGAE, Health Education
- *IKF, Graduation Exercises
- *JFC, Student Conduct (Zero Tolerance)
- *JFCF, Hazing and Bullying (Harassment, Intimidation and Dating Violence)
- *JFCF-R, Hazing and Bullying (Harassment, Intimidation and Dating Violence)
- *JN, Student Fees, Fines and Charges

Note: Policies and/or regulations marked with an * are required. Check to confirm that you have a policy and/or regulation.