



PDQ^{Quarterly}

Policy Development Services

Ohio School Boards Association

May 2011

Are you taking full advantage of your PDQ subscription?

by Megan Greulich
policy consultant

The OSBA Division of Management Services works hard to provide you with valuable resources to keep your district running smoothly. *Policy Development Quarterly (PDQ)*, which you are reading now, is just one of those valuable resources. But did you know that we hold a free webinar for subscribers to compliment every issue? In these webinars, policy consultants discuss the topics covered in the current issue.

There are many advantages to your subscription. Let's take a look at some of them.

First, *PDQ* is a great resource for staying informed about policy changes that stem from federal and state law, as well as hot topics that could affect your district. Keeping your policy manual updated is an important and ongoing process. *PDQ* gives you the information you need to update your manual, but it cannot help if you do not take the time to read it. When you receive the new issue, be sure to read through the articles and update the necessary policies.

On the back of each *PDQ* is a list of the policies that are new, updated or of which you should be aware. The list represents policies that have been

discussed in the current issue. The listed policies are available for *PDQ* subscribers to download. Using this feature is a great way to be sure that your policy manual stays up-to-date.

But what if you have questions? Apart from the fact that you are always welcome to call or email with any questions, you can get all of your questions answered by attending free *PDQ* webinars. Webinars are generally held on Fridays around the lunch hour.

The date and time for each webinar can be found in the current issue. You can sign up for free *PDQ* webinars using the direct link in your subscription.

So what can you expect from the webinars? Members of the OSBA policy team will discuss the articles in the current issue in more detail, walk you through changes to the updated policies and encourage you to ask questions. What better way to spend your lunch than learning more about the policies

Free policy webinar



OSBA is hosting a free webinar on Friday, May 13, to review the new policies available with this issue of *PDQ*. The webinar will be offered at 12:30 p.m. Policy consultants will explain the changes to policies, review the required policies and answer any questions you may have on the materials.

You can register for the session by accessing the online *PDQ* at www.ohioschoolboards.org/PDQ and clicking on the "Webinar" link.

that can keep your district running efficiently?

As with all of our services, OSBA is here to help. *PDQ* is meant to keep you updated on policy changes and the webinars go one step further by making sure all of your questions get answered. In order to keep your manual updated properly, you must be aware of legal changes and hot topics that may affect district policy. A *PDQ* subscription and listening to the webinars is a great way to stay on top of those important issues and changes.

Let's review. Every time you get a new *PDQ* you should read through the articles, take the time to download the policies listed on the back and consider whether any changes to your policy manual are needed. I encourage you to attend the *PDQ* webinars whether you have more questions or just want to learn more about the topics. And finally, if you decide to make changes to your policies, take your updated language to the board for adoption and then update your manual with the new language. In addition, if you use

OSBA's Policy Update Service, you should inform us of your adoption and/or re-adoption date and what changes have been made so we can send you an updated CD and updated hard copies of the policies to add to your manual.

Keeping your manual updated is necessary, and OSBA is doing everything possible to provide you with the best tools to do that. Keeping your policy manual updated can be easy if you're taking advantage of all of the services available to you with your *PDQ* subscription.

Teach For America moves into Ohio

by Donna J. Williams
policy consultant

The Ohio General Assembly has been extremely busy this spring. Among the many bills signed by Gov. **John Kasich** is House Bill (HB) 21, Teach For America. Let's take a look at the provisions.

What is Teach For America?

Teach For America is a national program that recruits recent college graduates to teach for two years in urban and rural public schools. Prior to being placed in a classroom, participants must complete a five-week summer training seminar that covers topics such as instructional planning

and delivery, classroom management and culture, learning theory and literacy development. Participants also must receive ongoing professional development during their two-year teaching commitment.

The provisions

HB 21 has three major provisions. It:

- directs the State Board of Education to issue a resident educator license to an applicant who is assigned by Teach For America to teach in Ohio who meets certain minimum qualifications;
- requires Teach For America to enter into an agreement with one or more public or private Ohio institutions of



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8050 N. High St., Suite 100, Columbus, OH 43235-6481
(614) 540-4000 ● (800) 589-OSBA
fax: (614) 540-4100 ● www.ohioschoolboards.org

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OSBA president: **Cathy Johnson, South-Western City**
OSBA executive director: **Richard Lewis, CAE**
Editor: **Greta Gardner**, deputy director of policy services
Assistant editor: **Donna J. Williams**, policy consultant
Layout and design: **Angela Penquite**, communication design manager

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higher education to enable participants to complete an optional master's degree;

- directs the State Board of Education to issue a resident educator license to an applicant who has completed at least two years of teaching in another state as a participant in the Teach For America program and to credit that person with completion of two years of the four-year Ohio Teacher Residency Program.

As a refresher, the Ohio Department of Education issues four types or tiers of teacher licenses:

- resident educator license — a four-year nonrenewable license for entry-level teachers;
- professional educator license — a five-year renewable license;
- senior professional educator license — a five-year renewable license issued

to teachers with a master's degree, nine years of teaching experience and completion of a master teacher portfolio;

- lead professional educator license — a five-year renewable license issued to teachers with a master's degree, nine years of teaching experience and either a Teacher Leader endorsement from the Ohio Department of Education and completion of the master teacher portfolio or active certification from the National Board for Professional Teaching Standards.

Minimum qualifications

HB 21 identifies four minimum qualifications that applicants must have in order to receive a resident educator license. The qualifications are:

- a bachelor's degree from an accredited

institution of higher education;

- a cumulative undergraduate grade point average of at least 2.5 out of 4.0, or its equivalent;
- passage of a State Board-prescribed subject area examination (Praxis II);
- successful completion of the summer training institute operated by Teach For America.

Conclusion

HB 21 is designed to allow certain qualified individuals to teach in the state's urban and rural school districts. With so much activity in the state legislature, this bill deserves to be highlighted and discussed. Gov. Kasich signed this bill into law on April 27. Effected policies are available electronically for *PDQ* subscribers.

Changes in the wake of HB 30

by Donna J. Williams
policy consultant

House Bill (HB) 30 is now law. With effective dates of July 1 for some provisions and June 29 for others, HB 30 presumably was passed to remove a number of unfunded mandates for districts that were established under HB 1 of the 128th General Assembly.

Of the numerous provisions in this legislation, HB 30:

- Eliminates the requirement that all school districts offer all-day kindergarten and reinstates the permanent authority for most school districts to charge tuition for all-day kindergarten. However, HB 30 retains the provision that tuition must be structured on a sliding scale according to family income.
- Eliminates the requirement that school districts establish family and civic engagement teams except as required for the federal Race to the Top grant award.
- Eliminates the requirement that school districts annually set aside an amount per student into a textbook and

instructional materials fund. Under prior law, the amount was equal to at least 3% of the previous year's formula amount per student.

- Eliminates the authority of the superintendent of public instruction to adopt rules imposing spending and reporting requirements associated with the evidence-based model (EBM) of school funding and eliminates the authority to impose graduated sanctions for noncompliance with those rules.
- Eliminates the requirements that school districts account separately for components of EBM and submit annual spending plans. Funding components for special education, career-technical education and gifted student services must still be reported separately.
- Retains the requirement for spending rules governing state gifted education funding, but postpones the effective date for the rules from July 1, 2011, to July 1, 2013.
- Modifies school districts' "maintenance of effort" spending requirements for gifted education services, requires districts to account for

their maintenance of effort spending to the Ohio Department of Education (ODE) and directs ODE to monitor and enforce school districts' compliance with the maintenance of effort requirements.

- Eliminates the prohibition against payment of state unit funding for gifted education after fiscal year 2011.

Affected policies have been provided for *PDQ* subscribers.

Sample policies available online

OSBA offers an enhanced policy service. *PDQ* subscribers can access *PDQ* sample policies electronically. This enables districts to easily review and edit these sample policies to fit their needs. See the back page for instructions on using this feature designed to streamline your policy development process.

Changes to calamity days, Healthy Choices, Healthy Children

by Donna J. Williams
policy consultant

Several bills passed in the last few months have policy implications for this and next school years.

House Bill 36, also known as the calamity days bill, restores the two excused calamity days that were cut from the 2010-11 school year, raising the total number of excused days from three to five. It also eliminates the requirement that school districts make up the first five excess calamity days (the unexcused calamity days) as whole school days, allowing school districts the option to make up all calamity days by adding time to other school days.

Senate Bill (SB) 210, known as Healthy Choices, Healthy Children, is

receiving quite a bit of attention. Although the bill became effective on Sept. 17, 2010, the provisions for nutritional standards will take effect on July 1, 2011.

HB 114 is the transportation budget bill. There are no policy implications.

To help members understand SB 210, OSBA is presenting a workshop on Tuesday, May 10, titled, Implementing Healthy Choices for Healthy Children. This workshop will cover the requirements to consult with a school nutrition specialist, offer body mass index (BMI) screenings, comply with food and beverage guidelines and submit reports to the Ohio Department of Education (ODE).

Attendees of this workshop will learn from the First Ring Superintendents'

Collaborative how some school districts in Northeast Ohio have navigated the rocky waters of BMI screenings with the help of the Cleveland Clinic. Also, the School Nutrition Association of Ohio will share how it is helping districts implement the nutritional guidelines of the bill. ODE and the Ohio Department of Health will explain what is actually expected and required from school districts under this bill.

OSBA is still accepting registrations, but hurry, because space is limited. To register, please contact **Laurie Miller**, OSBA events manager, at (614) 540-4000; (800) 589-OSBA; or Lmiller@ohioschoolboards.org.

Affected policies are available electronically for *PDQ* subscribers.

What you need to know about IPM

by Megan Greulich
policy consultant

Prior to 2009, Jarod's Law required that districts have board policy and regulation language dealing with integrated pest management (IPM). However, House Bill 1 in 2009 repealed Jarod's law, so it is a good idea to look at your district's policy language about IPM to ensure it reflects these changes. Although you are no longer required to have language in your board policy manual, you must have procedural language if you use pesticides in schools or engage in IPM activities for nonagricultural uses. Districts also have the option to put the information in an IPM plan, separate from the board policy manual. Wherever you decide to put the language, it is important to understand the legal requirements for using

pesticides in schools and the IPM standards in the Ohio Revised Code and the Ohio Administrative Code (OAC).

Under OAC 901: 5-11-14, school personnel who develop and implement IPM activities must do several things. First, they must conduct a comprehensive assessment of the property for which the IPM plan is being developed. The assessment gives the district a starting point for setting an appropriate IPM standard. The assessment must include:

- the conditions that are producing or could produce a pest problem;
- the type and extent of pest activity;
- the potential impact the pests may have on humans, domestic animals and the environment.

After the initial assessment is complete, the school personnel responsible for developing and

implementing IPM activities must determine, in conjunction with the company that the district has contracted with for pest management:

- the measures that will aid in long-term prevention, elimination and control of pests;
- the priorities for pest control and elimination;
- whether chemical control is necessary to prevent, eliminate or control pests;
- the most effective measures, application products and methods that will result in controlling pests while minimizing exposure to humans, domestic animals and the environment.

The responsible school personnel and the contracted business must then establish a strategy, schedule any specific recommendations for ongoing site monitoring and assessment to resolve short- and long-term control or elimination of the pest problems. This

ongoing monitoring will ensure not only that it has the best short-term IPM plan, but also that the district will continue to develop and improve its plan to meet long-term needs and changes.

Finally, the responsible school personnel must evaluate the results of implementing the IPM plan in accordance with the time frame agreed upon with the contracted business. This evaluation must include a reassessment of the site and must consider whether:

- correction of the problems was completed and effective;
- methods used to prevent, control and eliminate pests at the site were effective;
- risks of exposure to humans, domestic animals and the environment were sufficiently minimized;
- other measures, products or methods should be chosen for future pest management and control.

This evaluation process allows districts not only to evaluate previously used procedures, but also to consider how those procedures can be improved in the future. The OAC standard ensures that districts will stay on top of this important issue.

The IPM activities standard requirements may be detailed in a general IPM regulation or in an internal district plan. Districts must follow this IPM activities standard whether or not the language appears in board policy. In addition, districts must follow the OAC requirements for using pesticides in schools if its use is necessary.

OAC 901: 5-11-15 applies to pesticide use in classroom buildings of schools, including school districts, educational service centers, community schools, science, technology, engineering and mathematics (STEM) schools and nonpublic schools chartered by the State Board of Education. Because this rule is so far reaching, it is important that districts understand and comply with its requirements. The rule states the requirements for when pesticides may be used in school buildings, developing pre-notification procedures and designating a contact person.

OAC states that pesticides shall only

be applied on or in classroom buildings of schools if the application is in compliance with the following four criteria.

First, pesticides must be applied for the longer of four hours or the minimum time specified on the pesticide's labeling:

- prior to the beginning of the school day;
- after the school day has concluded;
- when school is not in session under the local board's school calendar.

Second, pesticides may be applied when school is in session, provided that:

- persons other than the applicators and necessary school staff are not scheduled to be in the building for the longer of four hours or the minimum time specified on the pesticide's label as measured from the time the application is complete;
- signs are clearly posted at the entrance that meet the signage requirements.

To comply with the requirements, posted signs must measure at least eight and one-half inches by 11 inches and must be printed with letters at least one inch high stating the following language:


"Pesticide Treatment Area. Do Not Enter Before (date and time when re-entry is permitted)." The re-entry time is the later of four hours or the time specified on the pesticide's label calculated from the time the pesticide application is

completed.

Third, the application of any of the following pesticides must be carried out in strict accordance with label instructions:

- manufactured paste or gel baits;
- paraffin-based rodent control products placed in industry-identified, tamper-resistant bait stations;
- termite bait stations;
- rodenticides that are placed in wall voids or other areas that are inaccessible to humans and domestic animals;
- disinfectants, sanitizers, germicides and antimicrobial agents;
- dusts used in unoccupied areas of the structure.

The pesticides listed above are exempt from the notice, records and document rules discussed below. It is important to note that although the pesticides on this list do not fall under



Running a district is hard

Lighten your load with an updated policy manual

You need an up-to-date policy manual to run your district effectively. OSBA can help. Our policy consultants will assist in updating your manual, ensuring your district's policies are current and up-to-date with the Ohio Revised Code.

Call Jeannette Radcliff, administrative assistant of management services, at (614) 540-4000 or (800) 589-OSBA, to begin updating your manual.

the same requirements as other pesticides, they still must be applied in strict compliance with label instructions.

And finally, if one of the above conditions has been met, other than those pesticides on the exempt list, the following information shall be provided to the school's contact person as soon as practicable:

- date and time pesticide was applied;
- treatment area;
- target pests;
- brand name and Environmental Protection Agency registration number of the pesticide applied;
- if applied when school is in session, the time and conditions for re-entering the treatment area as specified by the label of the applied pesticide, if specified.

OAC also sets forth pre-notification procedure requirements. Any school subject to this rule also must develop a policy that allows parents or guardians of minor children, adult students, faculty and staff who are enrolled or employed at the school to request prior notification of scheduled time when pesticides may be applied. This

requirement applies whether the application is done by a pesticide business or a licensed school employee. The school also must determine the method of notification and, if special circumstances arise that prevent advance notification, the school must provide notification as soon as possible and explain, as a part of the delayed notice, why advance notice was not provided.

Finally, OAC discusses designating a contact person. Any school subject to this rule must designate a school employee to serve as a contact person for pesticide applications carried out at the school. The school must maintain, for inspection during normal school hours, any records provided to the contact person and documentation that the requested notifications were made pursuant to school policy. The records must be maintained for one year following the date of pesticide application.

In review, the information above represents the OAC requirements for IPM activities, including the use of pesticides in schools. Districts are not required to adopt board policy on these

topics, but must carry out IPM procedures in accordance with state law and OAC whether or not policy language is adopted. Therefore, if the district does not have policy language, an internal district plan or procedure should be developed.

It is important to note that the directors of the Ohio Department of Agriculture may, in accordance with state law, enter district property at any time to determine if the district is in compliance with these rules. Apart from the fact that proper IPM procedures prevent safety risks, districts should be careful to comply and prepare for an inspection. For these reasons, a firm understanding of the requirements is necessary.

The updated policy and regulations are available electronically for *PDQ* subscribers. The regulation language represents the minimum legal requirements under OAC. Whether you choose to put the language in your policy manual, it is a good idea to read through it to be sure that your district is, and will continue to be, in compliance with state law.

Training on administering medication

*by Greta Gardner
deputy director of policy services*

In 1985, all boards of education were required to adopt a policy stating whether designated persons employed by the board were authorized to administer to a student a drug prescribed for the student.

Under current law, boards of education may permit designated persons employed by the board to administer prescription medicine (that is, medicine that must be administered according to the instructions of the health care practitioner who prescribed it) to students. However, beginning July 1, state law permits only district employees who are licensed health professionals or have completed a drug administration training program

conducted by a licensed health professional and considered appropriate by the board to administer prescription drugs to students in school districts.

House Bill 1 of the 128th General Assembly permits school boards to prohibit any employee, including licensed health professionals, from administering any prescription drugs to students or to prohibit the administration of drugs that require certain procedures, such as injections.

School districts need to have a clear accountability policy in place that indicates the primary staff member (usually a staff position) responsible for dispensing medicine on-site; who should serve as backup in case of that person's absence; procedures for reporting and managing errors; and

procedures for handling medications on field trips and other outings beyond the regular school day.

Giving a child a pill to swallow may seem simple enough, but delivering medication to students can be more involved, which is why teachers and support staff should receive proper training. Some medications are not taken orally, including epinephrine auto injectors, such as an EpiPen used to treat anaphylactic shock, must be injected into the skin. For these, training is required.

No one who has been authorized by a board of education to administer a drug is liable for civil damages for administering or failing to administer the drug, unless the person acts in a manner that constitutes gross negligence or wanton or reckless

misconduct.

Nothing in the law shall be construed to require a person employed by a board of education to administer a drug to a student unless the board's policy adopted in compliance with this section establishes such requirement. A board shall not require an employee to administer a drug to a student if the employee objects on the basis of religious convictions.

In response to district employees needing appropriate training prior to

administering medication, the Ohio Department of Health (ODH) School and Adolescent Health School Nursing Program provides a newly developed training resource titled Medication Administration in Ohio Schools: Training for School Personnel.

This training provides an overview and basic guidelines for medication administration and 13 modules covering different routes of medication administration. Districts can select modules to tailor the training to their

district's specific needs. This training will be available later this month.

On May 11 from 1:30 p.m. to 2:30 p.m., the OSBA Policy Services Department will host a webinar with participants from the ODH School Nursing Program. This webinar will review required changes to board of education policies, as well as the required training for school personnel.

Policies on administering medicines are available electronically for *PDQ* subscribers.

The schools are going to the dogs

by Greta Gardner
deputy director of policy services

On Sept. 15, the U.S. Department of Justice published a final rule revising the regulations implementing Titles II and III of the Americans with Disabilities Act (ADA). The amendment became effective March 15.

The amended statement is, "individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a public entity's facilities where members of the public; participants in services, programs or activities; or invitees, as relevant, are allowed to go."

Recently, a policy alert was sent to all school districts addressing the changes and requirements for schools and other public entities and businesses to allow an individual with a disability to be accompanied by a service animal. Service animals cannot be denied access except in rare instances when their behavior poses a direct threat to the safety of others or results in a fundamental alteration of the nature of a program.

Service animals are trained to work or perform tasks for the benefit of individuals with disabilities. The work or tasks performed by the service animal must relate directly to the person's disability. Service animals are limited to dogs with one exception. A miniature horse may qualify as a service

animal if it has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining if reasonable modifications in policies, practices or procedures can be made to allow a miniature horse into a school, the board shall consider the following:

- the type, size and weight of the miniature horse and whether the facility can accommodate these features;
- whether the handler has sufficient control of the miniature horse;
- whether the miniature horse is housebroken;
- whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Service animals can perform a wide variety of functions, including guiding persons who are blind or have low vision; alerting individuals who are deaf or hard of hearing to sounds; warning persons about impending seizures or other medical conditions; performing a variety of tasks for persons with psychiatric disabilities; and picking up items, opening doors, flipping switches, providing physical support and pulling wheelchairs for individuals with mobility disabilities.

The right to bring a service animal in the school is not and should not become a special education issue, and should not, in most circumstances, become part of the individualized

education program (IEP).

School districts may set up certain limitations, such as the animal needs to be housebroken or must be up-to-date on vaccinations. While school districts are not responsible for the care of the service animal, such as providing food or water or taking the animal on walks or restroom breaks, this task should be considered carefully prior to the district refusing to provide such services. If the animal is aggressive, disruptive and not housebroken, the school may exclude it, but only in these rare cases.

It is the responsibility of the animal's handler to have a harness, leash or other tether, or have the animal under the control through voice commands, signals or other means.

To provide for a service animal, school districts must modify their existing policies, practices and procedures to permit its use by an individual with a disability. It is important that district personnel discuss ways the district may comply with the requirements and still deal with the needs of all students.

Districts should add the following language to their policy manual:

"In compliance with federal law, the board permits the use of service animals in the schools for those individuals with qualified disabilities."

A sample policy is available electronically for *PDQ* subscribers.



The last page of every issue of *PDQ* contains information on updating your policy manual. **The sample policies may be different from the policies you have in your manual. Please check the samples against any existing policies you have in place. If your district also subscribes to the Policy Update Service, let us know if you want to**

use your policy with the recommended changes or all the language in the new sample, along with an adoption date.

PDQ subscribers can access sample policies electronically. This feature allows districts to access, review and edit the sample policies to fit their needs. These policies will be reviewed during a webinar for *PDQ* subscribers at 12:30 p.m. on May 13.

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1. Visit www.ohioschoolboards.org and click on the “Sign in” button at the top right of the page.
2. Enter your username and password (call OSBA if you need assistance).
3. Enter the web address www.ohioschoolboards.org/pdq to download the policies.
4. A box will drop down, “OSBA Online *PDQ* Updates.”
5. Select the month(s) you would like to access.
6. Select the link to register for the free policy webinar if you want to attend that session.

New policies/regulations/exhibits (*provided for information only*)

GCB-1-R, Professional Staff Contracts and Compensation Plans (Teachers)

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

BCFA/BCFB, Business Advisory Committee to the Board/Family and Civic Engagement Committee (**Delete**)

BCFB, Family and Civic Engagement Committee (**Delete**)

DIB, Types of Funds (**Delete**)

*EBCD, Emergency Closings

ECG, Integrated Pest Management

ECG-R-1, Integrated Pest Management (Site Plan)

ECG-R-2, Integrated Pest Management (Use of Pesticides)

*EFF, Food Sale Standards

GCB-1, Professional Staff Contracts and Compensation Plans (Teachers)

ING, Animals in the Schools

ING-R, Animals in the Schools

*JHCD, Administering Medicines to Students

*JHCD-R-1, Administering Medicines to Students (General Regulations)

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

*JHCD, Administering Medicines to Students (Nonadministration of Medicines)

*JHCD-R-2, Administering Medicines to Students (Use of Asthma Inhalers)

*JHCD-R-3, Administering Medicines to Students (Use of Epinephrine Auto Injectors)

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