

- Employee Rights and Responsibilities under the Family and Medical Leave Act ("FMLA")
- Uniformed Services Employment and Reemployment Rights Act ("USERRA")
- Job Safety and Health: It's the Law (Occupational Safety and Health Act/"OSHA")
- Whistleblower Protections

In addition, certain organizations may be required to display posters that can only be obtained from DOL's Office of Workers' Compensation Programs ("OWCP"). More information on these posters is available. Links to all Federal employment posters are always available on the Poster Page as are answers to frequently asked questions.

Note that school districts with Federal or Federally-assisted contracts or subcontracts may have additional requirements.

## **Legal Alerts**

Included with this update are six (6) legal alerts. These include:

- 03 - Legal Alert - New OTES Legislation - When Is an Option Not Really an Option?
- 04 - Legal Alert - FLSA Eligibility Twists and Turns in 2024
- 05 - Legal Alert - Ohio Passes Law which Limits Use of Bathrooms, Other Facilities to Birth Gender
- 06 - Legal Alert - Mandatory Policy for Release Time for Religious Instruction ("RTRI")
- 07 - Legal Alert - H.B. 206 - Student Discipline
- 08 - Legal Alert - School Boards Left Out of Remote Meetings Law

## **BYLAWS AND POLICIES**

### **Bylaw 0131.1 - Technical Corrections (Revised)**

This bylaw has been revised to streamline the process of making technical corrections to policies and bylaws. The bylaw provides options for defining technical corrections and authorizes the Superintendent to make such corrections and provide a summary of the corrections to the Board for review.

This revised bylaw should be adopted if the Board wishes to streamline the technical corrections process.

### **Bylaw 0171 - Review of Policy (Rescind)**

It is suggested that this bylaw be rescinded (deleted) to avoid any conflict or inconsistency with Bylaw 0131.1 - Technical Corrections.

### **Policy 1422.01 - Drug-Free Workplace (New)**

This policy has been added to include the same provisions in Policy 3122.01/4122.01 regarding Drug-Free Workplace for administrators that pertain to other district employees.

### **Policy 2260.02 - Single Gender Classes and Activities (Revised)**

This optional policy is revised to provide additional guidance for implementation and to include clarifications suggested by the Office for Civil Rights ("OCR").

If the District has opted to include this policy, the revisions should be adopted to maintain current and compliant policies.

### **Policy 2271 - College Credit Plus Program (Revised)**

This policy is revised to include the provisions of S.B. 104 (effective February 25, 2025). The bill revises the operations of the College Credit Plus ("CCP") Program, providing an option for a student or a student's parent to inform the school of the student's intent to participate in CCP in the next semester by November 1 preceding that semester. Such participation may only be approved for the next semester/term. The bill requires each Institution of Higher Education ("IHE") to provide CCP students with a mandatory orientation that meets guidelines issued by the Chancellor and the Department. Additionally, the district is required to use CCP forms developed by the Chancellor and the Department.

Revisions to this policy reflect current provisions of state law and should be adopted.

### **Policy 2340 - Field and Other District-Sponsored Trips (Revised)**

This policy is revised to include the overnight accommodations restrictions required by S.B. 104 (effective February 25, 2025). S.B. 104 mandates that students of the opposite biological sex may not share overnight accommodations.

Revisions to this policy reflect current provisions of state law and should be adopted.

### **Policy 2430.02 - Participation of Community/STEM School Students in Extra-Curricular Activities (Revised)**

#### **Policy 2431 - Interscholastic Athletics (Revised)**

Policy 2431 is revised to include the provisions of H.B. 47 regarding the mandatory informational meeting for students and parents and adding sudden cardiac arrest to training and restrictions required. Both policies are revised to include the athletic eligibility provisions of H.B. 147.

These revisions reflect current state law and should be adopted.

### **Policy 2460 - Special Education (Revised)**

The Ohio Department of Education and Workforce ("DEW") recently released updated Special Education Model Policies and Procedures ("Model Policies") that are consistent with the 2023 Ohio Operating Standards for Ohio Educational Agencies Serving Children with Disabilities ("Operating Standards"). The Operating Standards require educational agencies to adopt written policies and procedures regarding the education of children with disabilities (3301-51-02). In addition, the Operating Standards allow educational agencies to choose which method they will use to determine the existence of a specific learning disability and require districts to develop written procedures for the implementation of their chosen method (3301-51-06). To fulfill the preceding requirements, school boards may either adopt the Model Policies or develop their own. This revised policy reflects this recent change. Given that the updated Model Policies reflect existing regulations and explain procedural mechanisms, Neola recommends that Boards adopt them. If, however, a board of education wants to enhance or expand upon the Model Policies to meet the needs of students and staff in their district, they may do so.

In a Special Update issued on January 3, 2025, Neola provided a legal alert and a sample resolution to assist districts in meeting the March 30, 2025 adoption notification timeline prescribed by the Department.

### **Policy 2460 (ODE) (Rescind)**

This policy is being rescinded (deleted) as it no longer meets the requirements of law or of the Operating Standards put forth in Ohio Administrative Code ("OAC").

### **Policy 5113 - Inter-District Open Enrollment (Revised)**

Revisions to this policy update language to coincide with current Ohio Department of Education and Workforce ("DEW") provisions and to include the requirements of S.B. 208 (effective April 9, 2025) to permit a student who is not a native student of the district to open enroll in the district if the student's parent is an active duty member of the armed forces of the United States who is stationed in Ohio and who provides the district a copy of the parent's official written order verifying the parent's status as an active duty member of the armed forces. Additionally, the bill permits a student enrolled under a district's open enrollment policy exception for military children to continue to attend that district and receive transportation services for the remainder of the school year if the student's parent is discharged or released from active duty. The new military exception must be added to policies for districts that either entirely prohibit interdistrict open enrollment or only permit it for adjacent district students.

Under current law, each school district in Ohio must establish an interdistrict open enrollment policy that either entirely prohibits open enrollment, with noted exceptions, or permits open enrollment only of students from adjacent districts (with noted exceptions), or permits open enrollment of students from any other district.

### **Policy 5120 - Assignment within District (Revised)**

Revisions to this policy update language to coincide with current Ohio Department of Education and Workforce ("DEW") provisions.

Revisions to this policy should be adopted to maintain accurate policies, consistent with Department guidance.

### **Policy 5131 - Transfer Students (Technical Correction)**

This policy correction is provided, as the revision suggested in the Volume 43 Number 1 update in October 2024 was incorrectly applied. The provisions of H.B. 147 apply to athletic eligibility as opposed to academic transfer.

This correction should be adopted to maintain accurate policies.

### **Policy 5223 - Released Time for Religious Instruction (New/Revised)**

This policy was originally released in 2014 and revised in 2016 as provided by statute as an option for districts. H.B. 8 (effective April 9, 2025) requires districts to adopt a policy authorizing students to be excused from school to attend a released time course in religious instruction. The bill requires school districts to collaborate with a sponsoring entity of a released time course in religious instruction to identify a time for the course to be offered during the school day. Further, the act permits a school district to require a sponsoring entity's instructors and volunteers undergo criminal records checks in a manner determined by the district.

This policy should be adopted, after consideration of the various options provided, in order to comply with current law.

### **Policy 5330 - Use of Medications (Revised)**

This policy has been reviewed and modified to reflect the specific provisions of H.B. 70 (effective March 20, 2025) to allow districts to authorize specific employees to administer over-the-counter ("OTC") drugs to students. Options are provided to allow for structure and parental permission for this authorization. Further, the policy was revised to reflect the provisions of H.B. 206 (effective April 9, 2025) authorizing the storage and use of drugs used to treat seizures.

School drug administration policies do not affect a school district's ability to administer emergency care or treatment under existing law. School drug administration policies also do not restrict the possession or application of nonprescription topical ointments to prevent sunburn.

Revisions to this policy should be adopted if the district chooses to authorize employees to administer over-the-counter drugs to students and the required use of seizure medications.

### **Policy 5350 - Student Health, Wellbeing, and Suicide Prevention (Revised)**

This policy is revised to include comprehensive mental health and wellness initiatives that promote the emotional and physical safety of students and staff. It also addresses training requirements for students and staff as prescribed in H.B. 33.

Revisions to this policy should be considered in order to comply with current provisions of law.

### **Policy 5460 - Graduation Requirements (Revised)**

This policy is revised to include additional diploma seals that have been added by the Ohio Department of Education and Workforce ("DEW").

This revised policy should be adopted to include the most recent provisions put forth by the Department.

### **Policy 5610 - Removal, Suspension, Expulsion, and Permanent Exclusion of Students (Revised)**

This policy has been revised to reflect the provisions of H.B. 206 (effective April 9, 2025) which permit a school district to establish a policy that authorizes the Superintendent to expel a student for not more than 180 school days for actions that pose "imminent and severe endangerment" to the health and safety of other students or school employees. The Superintendent must develop conditions for a student expelled for imminent and severe endangerment to satisfy before that student may be reinstated, one of which must be an assessment by a psychiatrist, licensed psychologist, or licensed school psychologist to determine whether the student poses a danger. The Board of Education is required to establish guidelines for appropriate conditions that the Superintendent may use. All determinations by the Superintendent are subject to the same notification requirements and appeals process as other types of expulsions under current law.

This revised policy reflects the provisions of current law and should be considered for adoption if the district chooses to exercise the expanded disciplinary procedures prescribed.

### **Policy 5751 - Parental Status of Students (Revised)**

This policy is revised to reflect the latest legislation and regulatory provisions put forth by Federal law to provide appropriate accommodations and protect pregnancy and parental rights of students.

Revisions to this policy should be adopted in order to comply with current law.

### **Policy 5780.01 - Parents' Bill of Rights (New)**

This policy reflects the provisions of H.B. 8 (effective April 9, 2025), which requires public schools to adopt a policy (by July 1, 2025) that enacts the Parents' Bill of Rights to include parental notification on student health and well-being and instructional materials with sexuality content. The district must establish a process under which the school must resolve written concerns submitted by parents about topics addressed in the bill.

This policy reflects current law and should be adopted to maintain current, compliant policies.

### **Policy 6151 - Insufficient Funds Checks (Revised)**

This policy has been revised and a corresponding AG added at the request of clients.

These revisions should be considered for adoption.

### **Policy 7421 - Restrooms, Locker Rooms, Shower Rooms, and Changing Rooms (New)**

This new policy (effective February 25, 2025) reflects the provisions of S.B. 104, which require public schools and educational service centers ("ESCs") to designate specified facilities for the exclusive use by either the male biological sex or the female biological sex. The District shall prohibit use by any student, employee, or any other person of a facility designated for use by the opposite biological sex unless one of the statutory exceptions applies.

This policy reflects the provisions of current law and must be implemented in order to comply with the state statute.

### **Policy 7440.01 Video Surveillance and Electronic Monitoring (Revised)**

This policy is revised to add an option authorizing the use of Smart Sensor Monitoring Technology.

This policy language should be included if the district is using this monitoring technology.

### **Policy 8142 - Criminal History Record Check for Contracted School Services (Revised)**

This policy was revised to include the requirements of H.B. 33 for individuals providing contracted school services to enroll in Rapback if they have routine interaction with a student or regular responsibility for the care, custody, and control of a student.

This policy reflects current Ohio law and should be adopted to maintain accurate and compliant policies and practices.

### **Policy 8452 - Automated External Defibrillators ("AED") and Cardiopulmonary Resuscitation (Revised)**

This policy has been revised to reflect the requirements of H.B. 47, effective October 24, 2024. The act requires all school districts to place an AED in each school and sports/recreation area under its control. The act requires each school district and school to provide training in the use of AEDs to teachers, principals, administrative employees, coaches, athletic trainers, other personnel who supervise interscholastic athletics, and any other employee subject to in-service training requirements. Each district and school must adopt an emergency action plan for the use of AEDs. Additionally, the district must hold informational meetings regarding the symptoms and warning signs of sudden cardiac arrest for all ages of student or youth athletes before the start of each athletic season.

This revised policy reflects the current requirements of law and should be adopted.

### **Policy 8500 - Food Services (Revised)**

This policy has been revised to include the option from H.B. 8 to provide a school lunch for students participating in Released Time for Religious Instruction ("RTRI") during the lunch period. Additional language and options regarding "bad debt" and dietary modifications have been included at the request of clients due to audits.

These revisions should be considered for adoption.

## **ADMINISTRATIVE GUIDELINES**

### **AG 2260.02 - Single-Gender Classes and Activities (Revised)**