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Your House Bill 1 “To Do” List¹

“TO DO” 2009-10

1. Modify Requests for Criminal Records Check. Effective January 1, 2010, if an employer has previously requested a BCII records check for an employee, and the employee has resided in Ohio for the preceding five years, subsequent BCII checks are limited to FBI records only. The state board is prohibited from requiring licensure records checks more often than every five years. R.C. 3319.291, 3319.391, 3327.10.
2. Check Board Policy and Collective Bargaining Agreement Regarding Teacher Termination. Teaching contracts may now be terminated for “good and just cause,” rather than the four conditions formerly used. The statute now also expressly provides that the grounds for termination may not be changed by the collective bargaining agreement. The new provision will take precedence over any collective bargaining agreement entered into after October 16, 2009. R.C. 3319.16. The term “good and just cause” is commonly used in industrial and other public sector collective bargaining agreement provisions regarding the termination of employment and has acquired “term of art” status as a result of this usage.
3. Provide Child Abuse and Prevention Training. Boards of education are required to develop child abuse prevention curriculum, using either the curriculum developed by the Ohio Department of Education (“ODE”), or one developed locally in consultation with public and private agencies or persons involved in the prevention of child abuse and related issues. The curriculum must also now include training in school safety and violence prevention. The law requiring four hours of in-service training for elementary school employees, including nurses, teachers, counselors, school psychologists and administrators, is now extended to include middle and high school employees. Middle and high school employees must complete the training within two years of the provision’s effective date (Oct. 16, 2009), or within two years after commencing employment with the district or educational service center, and every five years thereafter. R.C. 3319.073.

¹ A partial listing of new requirements imposed by Am. Sub. H.B.1. These are not necessarily presented in order of urgency and are not intended as a comprehensive list of actions to be taken.

4. Determine whether Board will Waive American History Requirements. Boards of education may waive the requirement that students complete a one-year course of study in American history for promotion from the eighth to ninth grade, provided that the students demonstrate mastery of the essential concepts and skills of the course of study in accordance with procedures adopted by the board. High school requirements are not affected. This provision is effective for the 2009-10 school year. R.C. 3313.60(B).
5. Award Credit for Advanced Work. This provision clarifies that if a high school permits students below the ninth grade level to take advanced work, the school must award high school credit for successful completion of the advanced work. R.C. 3313.603, effective for the 2009-10 school year.
6. Have the Board Adopt a Food Allergy Policy. Boards of education of each city, local and exempted village school district, each vocational school, and each chartered nonpublic school must develop a policy to protect students with peanut or other food allergies. The policy must be developed with input from parents, school nurses, school employees, volunteers, students, and community members. R.C. 3313.719. No specific time limit is provided with respect to the development of the policy. (The statute is effective Oct. 16, 2009.)
7. Conduct a Health and Safety Review. In conjunction with the repeal of Jarod's law, each board of education, as well as the governing authority of each chartered nonpublic school, must now periodically review its policies and procedures related to the health and safety of students and others. The review must address all known hazards in school buildings and on school grounds that pose an immediate risk to health or safety. All health and safety policies and procedures must comply with both state and federal health and safety laws and regulations applicable to school buildings. R.C. 3313.86 (effective Oct. 16, 2009).
8. Stop Charging Fees to Some Students. Boards of education may no longer charge fees to students eligible for free lunch. The limitation applies to materials needed to enable the student to participate fully in the course of instruction and does not apply to fees for extracurricular activities or pupil enrichment programs that are not courses of instruction. R.C. 3313.642(B) (effective July 17, 2009).
9. Plan for Excused Absences for Extracurricular or Enrichment Activity. Pupils absent from school to travel out of state to participate in an extracurricular or enrichment activity approved by the school district are entitled to be excused from class attendance for up to four days per year. If such a pupil is absent for four or more consecutive school days, a classroom teacher employed by the school district must accompany the student to provide instructional assistance. R.C. 3321.041 (begins with the 2009-10 school year).
10. Be Aware of New Requirements for Enrolling Children of Military Families. H.B. 1 contains a provision ratifying the Interstate Compact on Educational Opportunity for Military Children to "remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents." The compact includes provisions related to educational records, enrollment, immunizations,

grade level and course placement, special education, attendance, tuition, extracurricular activities, and graduation requirements for children of military families in “sending” or “receiving” states. The compact prevails over conflicting laws of member states.

The compact also requires that a student whose parent or legal guardian has been called to active duty for, is on leave from, or immediately returned from deployment to a combat zone be granted additional excused absences at the discretion of the local education agency superintendent. R.C. 3301.60.

11. Prepare to Appoint a Family and Civic Engagement Team. Each board of education must appoint a family and civic engagement team to include parents, community representatives, health and human services representatives and business representatives, together with other individuals as authorized by the board. The team is charged with the duty to: 1) work with the local county family and children first councils to recommend content in the job descriptions for family and civic engagement coordinators; 2) to develop five-year civic engagement plans; 3) to provide annual progress reports on the development and implementation of the plans; and 4) to provide recommendations to the board on matters requested by the board. The family and civic engagement team may be combined with the business advisory council, but the combined team must perform all of the functions of both teams. R.C. 3313.821, 3313.822.

According to ODE, by June 30, 2010, boards of education must have appointed a family and civic engagement team (FCE), the team must have developed and written an FCE Plan, boards must have created a job description outlining qualifications and responsibilities for an FCE coordinator, and districts must have submitted FCE plans to the county Family and Children First Council.

12. Review Board’s Pledge of Allegiance Policy. Under continuing law, boards of education must adopt a policy determining whether the district will require oral recitation of the pledge of allegiance to the flag as part of the school’s program. H.B. 1 specifies that, regardless of district policy, boards may not prohibit classroom teachers from providing reasonable periods of time in the classroom for the pledge of allegiance. Boards of education are also prohibited from altering the words of the pledge of allegiance. The provision in existing law that no student may be required to recite the pledge of allegiance and may not be coerced into doing so is retained. R.C. 3313.602 (effective Oct. 16, 2009).
13. Stop Paddling. Corporal punishment is no longer permitted in the schools of public school districts, STEM schools, or community schools. R.C. 3319.41 (effective Oct. 16, 2009).
14. Gifted Spending Requirements. Notwithstanding R.C. 3306.25, rules regarding the expenditure and reporting of funds for the gifted education support component of the EBM (adopted under R.C. 3306.25) shall take effect July 1, 2011. Districts that received unit funding for gifted services for fiscal year 2009 must spend not less than that amount in future fiscal years (beginning with the 2009-10 school year) for services to gifted

students. This requirement may not be waived. (Districts that did not receive unit funding for fiscal year 2009 may apply for a waiver.) R.C. 3306.09.

15. Monitor Your High School Graduation Rate. Significant new requirements will apply to schools with a three-year average high school graduation rate of 80% or less. The specific requirements are too numerous to include in today's to-do list. Maybe tomorrow...
16. Get Ready to Adopt a Career Readiness and Financial Literacy Policy. Boards of education are required to adopt a policy describing how the district will address college and career readiness and financial literacy in its curriculum for grades 7 and 8, and such other grades as the board deems appropriate. A copy of the policy must be provided to the department of education. R.C. 3313.6015. Timing to be established by ODE.
17. Get Ready to Consider Recognition of Community Service Projects. The state superintendent must develop rules and guidelines for districts that adopt a community service education plan to use in developing a rubric to determine whether a community service project warrants recognition on a student's diploma. ODE estimates the guidelines and rules will be developed by December 31, 2010. R.C. 3313.605.
18. The provision formerly allowing non-civil service school districts to terminate pupil transportation staff and contract with independent agents has been repealed. See former R.C. 3319.0810.

"TO DO" 2010-11

19. Notify Students and Parents of School Safety Plans. Boards of education of public schools and governing authorities of chartered nonpublic schools are now required to notify students and parents, prior to the opening day of each school year, of the procedures included in the school's safety plan for the notification of parents in the event of an emergency. (Notification will be required for the 2010-11 school year.) R.C. 3313.536.
20. Prepare for All-Day Kindergarten. Beginning with the 2010-11 school year, each city, local or exempted village school district is required to offer all-day kindergarten to each student enrolled in kindergarten. Students are not required to attend all-day kindergarten, but may do so at the request of the student's parent or guardian. School districts may house all-day kindergarten in space in child day care centers. School districts unable to comply with this requirement may apply for a waiver from the superintendent of public instruction. Schools are prohibited from charging tuition for all-day kindergarten after FY 2011. (Schools that offered and charged tuition for all-day kindergarten in FY 2009 may continue to charge the same tuition rate for fiscal years 2010 and 2011.) R.C. 3321.05, Section 265.70.70. **Note that House Bill 318, the budget corrections bill, enables school districts to obtain a one-year delay from the requirement to provide all-day kindergarten to all kindergarten students in the 2010-2011 school year.**
21. Reduce "Snow Days". School districts will be limited to three calamity days for the 2010-2011 school year. R.C. 3317.01(B).

22. Prepare for Annual District Spending Plan Submission. School districts will be required to submit annual spending plans and to comply with reporting and expenditure requirements for funds received under the new EBM formula. The superintendent of public instruction must adopt rules prescribing these standards, but the rules for reporting expenditures cannot take effect prior to July 1, 2010, and rules governing spending requirements may not take effect before July 1, 2011. Greater flexibility will be given to districts with higher performance ratings. R.C. 3306.25, 3306.30. **Note: On March 31, 2010, the Ohio Department of Education filed proposed amendments to rules 3301-19-01 to 3301-19-03 concerning reporting expenditures. The new rules are effective July 24, 2010.**
23. Advise Board and Administrative Staff of New Teacher Tenure Standards. Teachers who are initially licensed on or after January 1, 2011 must hold a professional educator license, senior professional educator license, or lead professional educator license for at least seven years to become eligible for tenure. Teachers initially licensed before January 1, 2011 must hold a professional, permanent, or lifetime teacher's certificate, or a professional educator license, senior professional educator license, or lead professional educator license. R.C. 3319.08, 3319.22, 3319.222 and 3319.223.

Additionally, teachers who did not hold a master's degree at the time of initially receiving an educator's license must complete thirty semester hours of coursework in the area of licensure or in a related area. Teachers who held a master's degree at the time of initial licensure must complete six semester hours of graduate coursework in the area of licensure or in a related area. Training must be consistent with rules developed by the department of education. The requirements for the award of a continuing contract are not subject to collective bargaining. R.C. 3319.08. District service requirements to be eligible for a continuing contract remain unchanged. R.C. 3319.11.

Also note that the state board must adopt standards for a school nurse license and a school nurse wellness coordinator license, and begin issuing these licenses January 1, 2011. The rules must require that an applicant for a school nurse license be licensed as a registered nurse (as currently required by licensure rules). R.C. 3319.221. **On March 31, 2010, the School Health Services Advisory Council submitted its report and recommendations to Governor Strickland. The recommendations include: the content of the course of instruction required to obtain a school nurse license under R.C. 3319.221; the content of instruction required to obtain a school nurse wellness coordinator license under R.C. 3319.221; and best practices for the use of school nurses and school nurse wellness coordinators in providing for health and wellness programs for students and employees.**

24. Prepare for the Teacher Residency Program. By January 1, 2011, the state superintendent and the chancellor of the board of regents must establish the Ohio teacher residency program. Successful completion of this four-year, entry-level program will be required to transition from the resident educator to the professional educator license. The residency program must include mentoring by lead teachers, counseling to ensure that program participants receive needed professional development, and measures of appropriate progression through the program. R.C. 3319.223.

“TO DO” 2011-12

25. Plan and Implement a Prescription Drug Training Program. Beginning July 1, 2011, only board employees who are licensed health professionals, or who have completed a drug administration training program, may administer prescription drugs to students. Board employees who are or may be expected to administer prescription drugs to pupils must participate in a training program delivered by a licensed professional and administered prior to July 1, 2011. R.C. 3313.713.