

REPORT OF THE POLICY COMMITTEE

The Policy Committee met on Thursday, October 18, 2018 at 11:30 am at the Cincinnati Public Schools Education Center in the Board Office Conference Room.

ATTENDEES

Policy Committee Members

Chairperson Melanie Bates, Eve Bolton, Mike Moroski

Administration/Staff

Ashley Addo, Assistant General Counsel; Vera Brooks, Interim Director of Early Childhood; Kathleen Crable, Senior Executive Secretary; Dan Hoying, General Counsel; Ashton Hood, Legal Intern; Maggie Naber, Early Childhood; Laura Sanregret, District Wide Lead Teacher; Lauren Worley, Chief Strategic Communications Engagement Officer

Cincinnati Federation of Teachers (CFT)

Julie Sellers, President

Community Members/Parents

Marlena Brookfield; Tess Brown; Jasmine Coaston; Heather Couch; Elisa Hoffman; Melissa May, LSDMC, Riverview East; Craig Rozen

Continued Discussion: Kindergarten Entrance Requirements

Ms. Brooks continued her discussion on the possibility of moving back the cutoff date for entering preschool and kindergarten from a September 30 birthday to an August 1 birthday.

She discussed the following report with the Committee.

At the September Board Policy Committee Meeting, the Early Childhood Department was asked to consider the possibility of moving back the cutoff date for entering preschool and kindergarten from a September 30 birthday to an August 1 birthday.

Under Ohio Rev. Code 3321.01, either August 1 or September 30 may be adopted by the Board as the required date by which students must have attained the specified age for preschool or kindergarten.

While the Early Childhood Department can support either date, in their view, there are pros and cons to remaining with September 30 or *moving the cutoff date to August 1*.

PROS	CONS
+All students will have attained the age of three before starting preschool or five before starting kindergarten.	-Increases the age of eligibility for preschool (i.e., students who turn 3 between August 1 and September 30 will no longer be eligible).

PROS	CONS
+All students will have attained the age of eligibility by the first day of school.	-Private providers (i.e., Preschool Promise providers) will likely be negatively impacted because of the reduced number of students eligible (for 1 year).
+Avoids necessity of holding some spots for two-year old students in preschool classrooms before they turn three.	-Creates a difference between CPS's rules and neighboring school districts—most of which currently use September 30.
	-Increases number of students applying for early entrance testing to kindergarten

Ms. Brooks commented that there would be an impact on preschool if the enrollment period is changed.

ACTION: The Administration will continue studying enrollment period and provide the Committee with data as to how the current enrollment birthday date, third-grade and KRAL data affects learning.

ACTION: The Administration will provide the Committee with data of students that were born in August and September.

Discuss A Resolution In Opposition to House Bill 658 – Gender Dysphoria Bill

Mr. Hoying informed the Committee about House Bill 658. The Bill prohibits a court from using a parent, guardian, or custodian's refusal to allow a child to undergo gender-based treatment as a basis for determining custody of the child.

The bill would require any government agent or entity with knowledge that a child under its care or supervision has exhibited symptoms of gender dysphoria or otherwise demonstrates a desire to be treated in a manner opposite of the child's biological sex, to immediately notify the child's parents, guardian, or custodian.

The bill defines "gender dysphoria" to mean *"the condition of feeling one's emotional and psychological identity as male or female to be opposite to one's biological sex."*

Mr. Hoying reviewed a draft of the Board's *Resolution in Opposition to House Bill 658 – Gender Dysphoria Bill* with the Committee.

A portion of the resolution states:

WHEREAS, this Board has affirmed its prohibition against discrimination against students on the basis of gender identity and expression in Board Policy 5517.01 (Bullying and Other Forms of Aggressive Behavior); and

WHEREAS, this Board believes that the act of coming out can be an ongoing, personal, and difficult process because of potential discrimination, homophobia, rejection, or marginalization from a student's family and the community at large, and therefore the student should determine how and when to disclose this personal information to the student's family; and

WHEREAS, this Board believes that gratuitously providing information about students' gender identity or expression to students' parents, guardians, or custodians, absent reasonable circumstances that warrant a need for such information to be reported, could endanger the student at home.

NOW, THEREFORE BE IT RESOLVED, the Cincinnati Board of Education strongly opposes HB 658.

ACTION: The Committee agreed with the resolution and will recommended the document to the Board for approval at the October 22, 2018 Regular Business meeting.

Discuss A Resolution to Extend Graduation Options to the Class of 2019, 2020, 2021

The Committee discussed the *Resolution to Extend Graduation Options to the Class of 2019, 2020, 2021* as a result of Section 733.67 of House Bill 49 of the 132nd Ohio General Assembly. The Bill authorized two additional graduation pathways for students in the Class of 2018.

Those additional pathways provided a meaningful opportunity for those who did not otherwise meet one of the standard existing pathways to graduation as well as provided increased opportunities for earlier and more targeted career and technical education pathways.

The Committee reported that urban, suburban, and rural school districts across Ohio are seeking the extension of these two additional and meaningful graduation pathways for the Classes of 2019, 2020 and 2021 to ensure those students have the same opportunities to graduate as the Class of 2018.

ACTION: The Policy Committee agreed that the two additional pathways should be extended to the Classes of 2019, 2020 and 2021 and will recommend approval of the resolution to the Board at the October 22, 2018 Regular Business meeting.

A portion of the resolution states:

NOW THEREFORE BE IT RESOLVED that the Cincinnati Board of Education requests the Ohio General Assembly act immediately and in advance of December 1, 2018, to extend the two additional pathways authorized in Section 733.67 of H. B. 49 of the 132nd General Assembly to the Class of 2019, the Class of 2020 and the Class of 2021.

Assigned by Finance Committee: Policy 6210 – Fiscal Planning Status

The Finance Committee reviewed the policy at their August 16, 2018 Finance Committee Meeting. The Board approved the policy at their August 27, 2018 Regular Business meeting.

The Policy Committee advised that policies needing to be reviewed should first be assessed at a Policy Committee meeting and then reviewed in the appropriate Committee in order for the recommendation of approval of the document to come from the appropriate Committee.

Re-Affirmation to Organized Labor Resolution

The Committee reviewed *A Resolution Affirming Labor Rights and Obligations in Public Workplaces*.

The Cincinnati Public Schools Board of Education issues this resolution in response to the recent ruling of the Supreme Court of the United States in *Janus v. AFSCME Council 31*, 585 U.S. (June 27, 2018). The *Janus* decision overturns decades of well-established law and practice relating to the right of a union to require the payment of fair share agency fees from public sector employees who decline union membership. Under *Janus*, public employers may not deduct agency fees from a nonmember's wages, nor may a union collect agency fees from a nonmember, without the employee's affirmative consent

ACTION: The Committee agreed under *Janus* that public employers may not deduct agency fees from a nonmember's wages, nor may a union collect agency fees from a nonmember, without the employee's affirmative consent.

The Policy Committee will recommend approval of resolution to the Board at the October 22, 2018 Regular Business Meeting.

New Policy: Crowd Funding

Mr. Hoying discussed with the Committee the possibility of teachers being able to generate donations to provide materials to enhance the educational experience of their students, as mentioned by Dave Yost, Ohio Auditor of State. The Auditor is also urging school districts to adopt policies to govern the use of online fundraising.

Mr. Hoying will view the Ohio School Boards Association webinar on *Crowdfunding Best Practices* on Wednesday, October 24, 2018, from 12:30 p.m. to 2:00 p.m. He will also look into how other districts are using crowdfunding and survey teachers to learn how successful they are at raising funds. Committee member Bates will provide the Committee with crowdfunding information available through the Council of the Great City Schools.

Committee member Moroski recommended that policy indicate that a preferred crowdfunding vendor be used district-wide.

ACTION: The Committee will discuss a draft policy at the December 20, 2018 Policy Committee meeting.

Continued Review of Series 2000 – Program Policies

The Committee reviewed the following policies and recommended approval of the revisions to the documents at the October 22, 2018 Regular Board meeting.

- 2114 Meeting State Performance Indicators
- 2260 Nondiscrimination and Access to Equal Educational Opportunity
- 2260.01 Section 504/ADA Prohibition against Discrimination Based on Disability
- Policy 5610.03 – Emergency Removal of Students

The following policies were referred to the Student Achievement Committee for their review.

- 2120 School Improvement
- 2131 Educational Outcome Goals
- 2220 Adoption of Courses of Study
- 2262 School Age Child Care Extended Day Programs
- 2271 College Credit Plus Program
- 2280 Preschool Program

Continued Review of Series 2000 – Program Policies (on Policy October 18, 2018 Workplan)

The following policies will be reviewed at the November 15, 2018 Policy Committee meeting.

- 2210 Curriculum Development
- 2240 Controversial Issues
- 2250 Curriculum Initiatives
- 2260.02 Prohibition against Harassment of Students and Staff

- 2261 Federal Services
- 2261.01 Parent Participation in Federal Programs
- 2261.02 Title I – Parent’s Right to Know
- 2270 Religion in the Curriculum
- 2340 – Field and Other District-Sponsored Trips
- 2370 – Credit Flexibility Educational Options
- 2411 – Guidance and Counseling
- 2412 – Homebound Instruction Program
- 2416 – Student Privacy Program and Parental Access to Information
- 2420 – Career Advising
- 2421 – Career Technical Education Program
- 2421.01 – Work-Based Learning
- 2423 – School-to-Work Program

Status of Moving up Review of Policy Series – 5000 Students

Mr. Hoying reported that he and Human Resources will review the 3000 – Professional Staff and 4000 – Classified Staff policies.

The Committee agreed that Mr. Hoying will determine policies appropriate for review by the Finance and Student Achievement Committees.

Other Business

Policy 5600 Student Discipline

Assistant Superintendent Bill Myles and Mr. Hoying will review and discuss the policy at the November 15, 2018 Policy Committee meeting.

The meeting adjourned at 1:00 PM.

Policy Committee

Melanie Bates, Chair
Eve Bolton
Mike Moroski

Staff Liaisons

Dan Hoying, General Counsel
Yenetta Harper, Teacher/Principal Evaluation Manager
Paul McDole, Director, Human Resources
Sarah Trimble-Oliver, Chief Information Officer



INTER-OFFICE CORRESPONDENCE

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TO: All CPS Field Administrators

FROM: Daniel J. Hoying
Ashley K. Addo

RE: Emergency Removals – Important Changes

DATE: September 12, 2018

This memo is to advise principals and assistant principals of the upcoming changes to state law and specifically the **elimination of three-day emergency removals of students**. In previous discussions at principal leadership conferences, we have discussed the potential changes in House Bill 318. HB 318 received quick support in the General Assembly and was recently passed into law. **The changes in the bill are effective November 2, 2018** – much sooner than our office anticipated.

The major change to this law relates to emergency removals of students in grades PreK-3. Effective November 2, 2018, **emergency removals of students in grades PreK-3 may last only for the remainder of the day that the student was removed**, instead of three days as previously allowed. If a student in grades PreK-3 is emergency removed, the student **must return to curricular and extracurricular activities the following school day**. Even a student who is emergency removed in the afternoon, must be allowed to return to school the next school day if the student is in grade PreK-3. The law eliminates the requirement to have a hearing for students in grades PreK-3 about the removal.

The new law also significantly limits the ability of Ohio school districts to suspend or expel students in grades PreK-3. These new provisions do not affect CPS, however, because the District prohibits the suspension or expulsion of students in grades PreK-3. (See CPS Board Policy 5610 "It is the policy of the Board of Education that students in grades pre-kindergarten to third grade shall not be suspended out-of-school or expelled, except when required by law.").

The new law also makes changes to emergency removals of students in **grades 4-12**. For emergency removals of students in grades 4-12, a hearing must be scheduled as soon as practicable and **no later than the next school day after the date of the initial removal**. Unless the student is referred for suspension or expulsion, the student who was emergency removed must be allowed to return to school after one full day following the initial removal, **even if a conference has not occurred**.

Students in grades 4-12 may still be suspended or assigned to the Alternative to Suspension / Alternative to Expulsion (A2S / A2E) program in accordance with the Code of Conduct. For students who are suspended out-of-school, the principal must provide (1) written notice of the intention to suspend the student and the reason for the intended suspension, and (2) an opportunity for an informal hearing before the principal. Students who are referred to A2S/A2E should follow the process established by Dr. Futch.

The standard for emergency removals has not changed. A student may be emergency removed when:

*[A] student's presence poses a continuing danger to persons or property
or an ongoing threat of disrupting the academic process taking place
either within a classroom or elsewhere on the school premises.*

For students in grades PreK-3, the emergency removal can last only to the end of the school day. For students in grades 4-12, the emergency removal can run until there is a conference with the parent or guardian, which must occur not later than the following school day.

Please do not hesitate to contact Daniel Hoying (ext. 30114) or Ashley Addo (ext. 30113) should you have questions about any of these changes.

Pre HB 318 – Removals

Before Nov. 2	0-3 Days	4 days	5-10 days	11-80 days
PreK-3rd grade	Emergency removal (meeting required)	No out-of school removals		
4th-12th grade	Emergency removal (meeting required)	No out-of school removals	A2S – meeting required with principal	A2E – Hearing with Superintendent's designee – W. Lane

After HB 318 – Removals

After Nov. 2	Remainder of day of incident	2-4 days	5-10 days	11-80 days
PreK-3rd grade	Emergency removal (no meeting required)	No out-of school removals. ISS can be used if the student is in a “supervised learning environment” and can make up classwork.		
After Nov. 2	0-1 Day	2-4 days	5-10 days	11-80 days
4th-12th grade	Emergency removal (meeting required)	No out-of school removals. ISS may be used.	A2S – meeting required with principal	A2E – Hearing with Superintendent's designee – W. Lane