

## REPORT OF THE POLICY COMMITTEE

The Policy Committee met on Thursday, September 20, 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; Robin Brandon, Director of Facilities; Vera Brooks, Interim Director of Early Childhood; Emily Campbell, Director, Curriculum; Kathleen Crable, Senior Executive Secretary; Dan Hoying, General Counsel; Ashton Hood, Legal Intern; Maggie Naber, Early Childhood, Lauren Worley, Chief Strategic Communications Engagement Officer

#### Cincinnati Federation of Teachers (CFT)

Julie Sellers, President; Kendra Phelps, Education Issues

#### Cincinnati Preschool Promise

Hector Polanco, Finance Manager

#### Community Members/Parents

David Brenner, Marlena Brookfield, Emily McNicholas

Angela Farwig, Director of Early Childhood, Community Learning Center Institute

### Assigned by Finance Committee: Policy 6210 – Fiscal Planning

The Finance Committee reviewed Policy 6210 – Fiscal Planning at its August 16, 2018 meeting and recommended changes to the Policy that included language that the Treasurer will collaborate with the Performance Leadership Team in preparing a long-range, year-by-year plan for the replacement of the facilities and equipment.

The Policy Committee reiterated the need for the Committee to review other Board Committee policies once those Committees have completed their review. The information can be provided in writing to the Policy Committee for their review and then put in the Board's Friday Board packets.

### House Bill 318

Mr. Hoying informed the Committee about [House Bill 318](#). The Bill is to amend Ohio Revised Code with regard to school resource officers, to require the Facilities Construction Commission to study and report on school building security upgrades and school resource officers, to enact the "SAFE Act" with regard to suspension and expulsion of students in grades pre-kindergarten through three and positive behavior intervention and supports, and to make an appropriation.

Please find attached Mr. Hoying's memo that provides more information about the Bill.

**ACTION:** Mr. Hoying reviewed the following policies with the Committee and recommended changes to the documents in order to be compliant with state laws. The Committee agreed

with the revisions and will recommend approval of the policies at a Regular Board Business meeting.

Recommend approval at October 3, 2018 Board meeting

Policy 5610 – Removal, Suspension, Expulsion, and Permanent Exclusion of Students

Policy 5610.02 – In-School Discipline

Recommend approval at October 22, 2018 Board meeting

Policy 5610.03 – Emergency Removal of Students (Full Board Discussion)

The Committee advised Mr. Hoying to move up the date for review of Policies 5000 – Students, to determine policies that need to include restorative practices, positive school culture, equity, as well as policies that may require full Board discussion. The review should also look for policies that may require updates on procedures. The policies should also be reviewed through a “cultural lens.”

**Policy 5112 – Policy Entrance Requirements Kindergarten and Grade 1**

**Policy 5112.01 – Entrance Requirements for Preschool**

**Policy 5113.01 – Preschool and Elementary Magnet School Enrollment**

The Committee referenced the policies as part of the conversation about the cut-off date that is used for entrance into preschool and kindergarten. This discussion was generated by parents having concern about the cut-off date.

Mr. Hoying advised that if the Board does decide to make revisions to the entry date, the date should be the same for entry into preschool and kindergarten.

The Board’s *Policy 5112 – Policy Entrance Requirements Kindergarten and Grade 1* currently states:

A child is eligible for entrance into kindergarten if s/he attains the age of five (5) on or before September 30th of the year in which s/he applies for entrance. A child under age six (6) who is enrolled in kindergarten will be considered of compulsory school age.

The Board will admit to kindergarten any child who has not attained the entrance age requirement of this District, but who was properly admitted to kindergarten in a school district or chartered nonpublic school before transferring to this District.

The Board’s *Policy 5112.01 – Entry Requirements for Preschool* currently states:

A child is eligible for entrance into preschool if s/he attains the age of three (3) on or before September 30th of the year in which s/he applies for entrance in State/Tuition funded programs and under the date of their birth in federally funded programs.

Based on state and federal funding requirements, a child who has attained the minimum age allowed to enter into kindergarten is not eligible to participate in preschool.

Mr. Hoying reported that the Board has the option to adopt August 1 as the entry date, under the Ohio Revised Code. Adopting this date would void two and three year olds eligible for entry. The conversation also included how the August 1 date would impact daycare, a possible “third gap year,” head-start dollars, and other funding streams.

Mr. Hoying reported that if the District decided to change the date, a “roll-out” in cohorts would be the smoothest transition. He also reported that the District can accommodate the August and September 30 start date with challenges.

Chairperson Bates advised Hector Polanco, Preschool Promise, to provide his organization's input to Mr. Hoying prior to the next Policy Committee meeting.

**ACTION:** Vera Brooks, Assistant Director for Early Childhood, will study the request and present the Policy Committee with options at the October 18, 2018 Policy Committee meeting.

### **Re-Affirmation to Organized Labor Resolution**

The Committee reviewed the resolution at their August 16, 2018 Policy Committee meeting and advised the Administration to include Ohio Revised Code (ORC) language within the resolution as well as language appropriate to labor rights.

**ACTION:** Mr. Hoying updated and reviewed ORC language with the Committee. He will review and discuss the proposed resolution with Julie Sellers, CFT President. The Committee will revisit the resolution at their October 18, 2018 Committee meeting if changes are recommended by Ms. Sellers.

The Committee agreed with the current amendments to the document and will recommend approval of the resolution at a Regular Board Business meeting in October 2018.

The resolution is 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.

### **Building Usage Rental Application**

General Counsel Hoying provided the group with a copy of the current *Policy 7510 – Use of District Facilities and Property* and CPS's rules governing Use of School Buildings and Grounds for the Committee's review.

The Committee discussed when insurance can be waived for building usage. The policy states that “*unless waived by the Director, Facilities, user(s) as well as contractors, suppliers or other vendors hired by users shall each provide minimum general liability insurance...*” The policy also states that in no event shall the insurance requirements be waived should alcohol of any kind be served at any event.

The Committee also discussed and expressed concern about equity in principals waiving or not waiving insurance for appropriate community/events and approving rental of their facility.

**ACTION:** The Committee advised the Administration to update the Committee on the status of facility rentals within the months ahead.

**ACTION:** The Committee will advise the Internal Auditor to monitor the use of school buildings and grounds to ensure they are not being used for commercial or personal gain, or for any program, including any form of gambling. This rule is contained in CPS's rules governing Use of School Buildings and Grounds.

ACTION: The Policy Committee will discuss Facilities Rental at the October 18, 2018 Policy Committee meeting.

**Assign to Student Achievement Committee (SAC): Policy 5311 – Wellness**

The Policy Committee, at their August 16, 2018 Committee meeting, assigned the Student Achievement Committee to review Policy 5311 – Wellness.

SAC is scheduled to review the policy at their September 20, 2018 Committee meeting.

**Continued Discussion: Policy 1430.01 – Family Medical Leave Act (“FMLA”)**

The Administration reviewed the policy with the Committee and advised that the only change was to remove phone numbers that were in the document and revise language about “leave” time.

ACTION: The Committee agreed with the changes and will recommend approval of the document at a Board’s October 2018 Regular Business Meeting.

**Policy 1320 – Duties of the Treasurer**

**Policy 1310 – Employment of the Treasurer**

Revisions to the policies included adding revision of duties, removing residency language and removing language about completing a DMA (Declaration of Material Assistance/Nonassistance) form. The law was repealed in 2012.

ACTION: The Committee reviewed and agreed with the Administration’s updates to the policies and will recommend approval of the documents at the October 3, 2018 Regular Business meeting.

**Continued Review of Series 2000 – Program Policies**

ACTION: The Policy Committee will review the following policies at their October 18, 2018 Policy Committee meeting. The policies will also be reviewed to determine which are appropriate for referral to the **Student Achievement Committee** for their review.

- 2114 Meeting State Performance Indicators – Policy will be updated to include new elements of ODE’s 2018 Report Card
- 2120 School Improvement
- 2131 Educational Outcome Goals
- 2210 Curriculum Development
- 2220 Adoption of Courses of Study
- 2240 Controversial Issues
- 2250 Curriculum Initiatives
- 2260 Nondiscrimination and Access to Equal Educational Opportunity
- 2260.01 Section 504/ADA Prohibition Against Discrimination Based On Disability
- 2260.02 Prohibition Against Harassment Of Students And Staff
- 2261 Federal Services
- 2261.01 Parent Participation In Federal Programs
- 2261.02 Title I – Parents' Right To Know
- 2262 School Age Child Care Extended Day Programs

- 2270 Religion In The Curriculum
- 2271 College Credit Plus Program
- 2280 Preschool Program

## **Other Business**

### **Crowdfunding**

Mr. Hoying provided the Committee with an article: [“Should teachers be able to ‘crowdfund’? DPS \(Dayton Public Schools\) bans method for its schools.](#)

ACTION: Mr. Hoying is recommending that the District be able to participate in crowd funding. The Committee will discuss a policy on crowd funding at their October 18, 2018 Policy Committee meeting.

The meeting adjourned at 1:10 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
<b>PreK-3<sup>rd</sup> grade</b>	Emergency removal (meeting required)	No out-of school removals		
<b>4<sup>th</sup>-12<sup>th</sup> grade</b>	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
<b>PreK-3<sup>rd</sup> grade</b>	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
<b>4<sup>th</sup>-12<sup>th</sup> grade</b>	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