

WELLINGTON EXEMPTED VILLAGE SCHOOL DISTRICT
MINUTES OF SPECIAL SESSION
Westwood Elementary School and Via Zoom
October 5, 2021
6:01 P.M.

Vice President McClafin called the meeting to order by asking for a roll call.

Present: Ratliff, Reynolds, McClafin

Absent: Stump, Murner

#21-168 APPROVAL OF MEETING AGENDA AS AMENDED

Motion was made by Reynolds and seconded by Ratliff to approve the meeting agenda as amended.

1. Page 3, Presentation and Discussion Item has been rescheduled;
2. Page 8, Add as Item 9, Approve the Resignation of James Kovach as Night Custodian at Westwood Elementary School effective October 1, 2021.

Yes: Reynolds, Ratliff, McClafin

No: None

Vice President McClafin declared this motion passed.

HEARING OF THE PUBLIC

Jen Kazmierczak - Concerned if the district has Covid tests available for students and staff. Mr. Weber stated the district does have self test kits available for parents to receive with the recommendation from the school nurse. Ms. Kazmierczak also stated she liked the flowcharts Mr. Weber did for the parents last spring with the Covid numbers. She asked if the information can be posted for parents to see for those who do not have internet access.

#21-169 APPROVAL TO MOVE TO EXECUTIVE SESSION

Motion was made by Reynolds and seconded by Ratliff to move to Executive Session at 6:15 p.m. per the Ohio Revised Code 121.22 (G)(1) to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official; (G)(4) preparing for, conducting, or reviewing collective bargaining strategy

Yes: Reynolds, Ratliff, McClafin
No: None

Vice President McClafin declared this motion passed.

#21-170 APPROVAL TO RETURN TO SPECIAL SESSION

Motion was made by Ratliff and seconded by Reynolds to return to Special Session at 7:34 p.m.

Yes: Ratliff, Reynolds, McClafin
No: None

Vice President McClafin declared this motion passed.

FIRST READING OF NEOLA BYLAWS & POLICY REVISIONS (NO ACTION. READING ONLY)

- A. Legal Alerts Provided by NEOLA from Ennis Britton Company, L.P.A.
 - 1. Changes Continue to Impact Pupil Services Personnel
 - 2. Update on Title IX Implementation and Enforcement Under the Biden Administration
 - 3. H.B. 352 – A Sweeping Rewrite of Ohio Civil Rights Law
 - 4. Diversity, Equity, and Inclusion in Public Schools
 - 5. State Law Adds Wrinkle to COVID-19 Planning
 - 6. Graduation Pathways for Class of 2022 and Beyond
 - 7. Ohio Supreme Court Issues Opinion About Qualifications to Carry Guns onto School Property
 - 8. U.S. Supreme Court Addresses Student Off-Campus Speech
 - 9. Sixth Circuit Addresses Public Participation at Board Meetings
 - 10. Toolkit for Review and Adoption of Replacement Policy 5722 - School-Sponsored Student Publications and Productions

B. Sample Resolution: Graduation Requirements for the Class of 2022

C. Bylaws and Policies (Complete Policy Revisions Attached)

1. **Bylaw 0169.1 - Public Participation at Board Meetings (Revised)**

Revisions to this bylaw are in line with the recent decision of the U.S. District Court for the 6th Circuit. Some of the optional language has been deleted, so as to remove the authority of the presiding officer at board meetings where public participation is permitted to regulate speakers on the basis of comments that are “abusive,” “frivolous,” and/or “harassing.” These measures are intended to prevent districts from engaging in viewpoint discrimination for remarks that are oppositional in nature, perceived as hostile to the direction of the board and/or merely offensive. In addition, options (which were deemed acceptable regulations by the Court) have been added for preregistration, including prohibiting individuals from signing up to speak for others. Finally, there are options for

districts who livestream meetings to determine whether or not they will facilitate public participation remotely. These revisions and options should be considered for adoption.

2. Policy 1530 – Evaluation of Principals and Other Administrators (Revised)

Revisions to this policy reflect the latest version of the OPES model and framework documents regarding preliminary and final evaluations for principals. In 2018, Ohio adopted changes to the Ohio Teacher Evaluation System (“OTES”) laws and the State Board of Education subsequently adopted a revised framework and model, referred to as OTES 2.0. School districts were required to update their OTES policies by September 1, 2020. Additionally, R.C. 3319.02(D) requires school districts to evaluate principals and assistant principals using a system and procedures that are “comparable” to the state’s teacher evaluation system but tailored to the duties and responsibilities of principals and assistant principals and the environment in which they work. Subsequently, the Ohio Principal Evaluation System has been updated to align with OTES 2.0. Most districts will be required to implement the new evaluation systems this school year. Districts should also be aware that under temporary laws adopted in response to the pandemic, school districts are prohibited from using student growth measures and any high quality student data for the 2021-2022 school year in principal, teacher and school counselor evaluations. Instead, boards of education will use the remaining factors and components of each evaluation system. District evaluators may consider as part of the evaluations how an educator collects and uses data to inform and improve their practice. This revised policy should be adopted to maintain accurate policies.

3. Policy 1617/3217/4217 - Weapons (New/Revised)

On June 23, 2021 the Ohio Supreme Court issued a decision declaring that two statutes, R.C. 109.78 & R.C. 2923.122, collectively require any school staff designated by a board of education to carry a concealed gun during the workday to complete the 737+ hour peace officer training or alternatively have 20 years of experience as a police officer. The case Gabbard v. Madison Local School District Board of Education was filed by parents from Butler County challenging a board resolution and policy that authorized the superintendent to designate up to 10 staff to carry a gun onto campus. The policy was adopted in 2018 after the school experienced an active shooter incident where four students were injured. Ohio law permits a board of education to designate individuals to carry concealed guns on campus without violating criminal statutes which prohibit guns in school zones. However, a separate statute declares that any security official employed by a board of education must complete the lengthy peace officer training or have the required years of experience as a peace officer to carry a weapon while on duty. Then Ohio Attorney General Mike DeWine stated in a letter he issued to the chairman of the Buckeye Firearms Association in 2013 that only those employees who were hired as security staff must complete peace officer training or meet the experience requirement. Alternatively, other staff designated by the board to carry guns did not need to meet these requirements. The Supreme Court disagreed, and instead concluded that state law requires all designated employees to meet the rigorous qualifications. In light of this decision, Policy 3217/4217 has been updated to specify the requirements for employees to be eligible to carry weapons onto school property. Policy 1617 (consistent with Policy 3217/4217) has been added to include administrators. The definition of weapons has also been updated to align with current law. It is important to note that the Court’s decision acknowledged there could be an easy legislative fix to this requirement, and House Bill 99 was introduced in February of this year to do just that. However, pending legislative action, school district boards of education that have authorized staff to carry concealed guns onto campus

should be aware of this decision and should contact legal counsel to discuss immediate next steps to avoid violations of the law. Revisions to these policies should be adopted to maintain accurate policies.

4. Policy 2271 - College Credit Plus Program (Revised)

House Bill 110 included a modification to the college credit plus program eligibility. The new law requires the Chancellor of Higher Education, in consultation with the Superintendent of Public Instruction, to establish alternative remediation-free options for students to be eligible to participate in college credit plus. The bill includes language which maintains prior eligibility alternatives for students who participated in CCP before September 30, 2021, the effective date of the bill. Policy 2271 and the accompanying administrative guidelines have been updated to reflect the change. Revisions to this policy (and AG) should be adopted in order to maintain accurate policies.

5. Policy 2370.01 - Blended Learning (Revised)

Revisions to this policy reflect the changes included in H.B. 110, modifying the definition of Blended Learning to specify that delivery of instruction “primarily” should be in a supervised physical location away from home, adding the requirement of an annual instructional calendar of at least nine hundred ten (910) hours, and changing the district's notification requirements with ODE. This revised policy should be adopted if the district intends to offer a Blended Learning program and to maintain accurate policies.

6. Policy 5111 - Eligibility of Resident/Nonresident Students (Revised)

Policy 5111.02 - Educational Opportunity for Military Children (Revised)

These 2 policies have been updated to include new enrollment and education requirements for children of military families. In 2009, Ohio joined the Interstate Compact on Educational Opportunity for Military Children through passage of House Bill 1. The Compact was created to address educational disruptions and barriers that children of military members face when the families are transferred to new assignments. In support of Ohio's commitment to the Compact, House Bill 244 was passed this summer. The bill requires districts to provide children of active-duty military members with technology-based educational opportunities as they transition from one assignment location to another, whether in-state or out of state, until such time as the students enroll in a new school. The bill also mandates that schools permit students of military families subject to relocation orders to apply for enrollment just like resident students even if they do not yet reside in the district. Districts must provide an electronic enrollment process to assist with this. Parents must provide proof of residency within ten days after moving to the district. HB 244 becomes effective October 13, 2021. Revisions to these policies should be adopted in order to maintain accurate policies.

7. Policy 5200 - Attendance (Revised)

This policy has been revised to reflect changes included in H.B. 110 (effective September 30, 2021) that are reflected in R.C. 2151.011. Additionally, temporary language added to guide attendance strategies for remote learning has been modified and retained as an option. This policy revision should be adopted in order to maintain accurate policies.

8. Policy 5350 - Student Mental Health and Suicide Prevention (Revised)

Policy 5350 was updated to incorporate new requirements mandated by the Safety and Violence Education Students Act (SAVE Students Act), which was passed by the general assembly during lame duck and became effective March 24, 21. The act requires school districts to adopt or adapt evidence-based suicide awareness and prevention curriculum for use in staff in-service that has been approved by the Ohio Department of Education.

Beginning in 2023-2024, the Save Students Act also requires school districts to include one hour or the equivalent of one standard class period of health education in each of the following: 1) suicide awareness and prevention; 2) safety training and violence prevention; and 3) social inclusion. This policy reflects the current law and should be adopted in order to maintain accurate policies.

9. Policy 5516 - Student Hazing (Revised)

This policy was revised based on the requirements in S.B. 126, which goes into effect in October 2021. While much of the legislation deals with hazing in a higher education setting, there are implications for K-12 programs, as well, including definitions, coverage, and notification/posting requirements. This revised policy should be adopted to maintain accurate policies.

10. Policy 5630.01– Positive Behavior Intervention and Supports and Limited Use of Restraint and Seclusion (Revised)

This policy has been revised in response to changes in O.A.C. 3301-35-15 and subsequent issuance by the Ohio Department of Education of the Positive Behavioral Interventions and Support (PBIS) and Restraint and Seclusion Model Policy and Procedures in July 2021. Revisions to this policy should be adopted in order to maintain accurate policies.

11. Policy 6114 - Cost Principles - Spending Federal Funds (Revised)

This policy has been revised to provide greater detail in allowability guidance for districts regarding expenditure of federal funds. There has been a significant increase in funding for school districts through the third pandemic stimulus bill dubbed the American Rescue Plan, providing \$122 billion in Elementary and Secondary School Emergency Relief (or ESSER III) funds. While the policy has accurately referenced definitions and restrictions cited in various sections of 2 C.F.R. 200, greater specificity has been requested by program reviewers and auditors. Revisions to this policy should be adopted in order to maintain accurate policies.

12. Policy 6146 - Post-issuance Compliance For Tax-exempt And Tax-advantaged Obligations (Rescind)

It was rejected appropriately at the Winter Update meeting by Mark and placed accidentally on the Board Agenda.

13. Policy 6152.01 - Waiver Of School Fees For Instructional Materials (Revised)

This policy has been revised to include students who qualify for free and reduced lunch under the National School Lunch Act and the Child Nutrition Act of 1966.

14. Policy 7300 - Disposition of Real Property/Personal Property (Revised)

H.B. 110 further modified the definition of Unused School Facilities in relation to the disposition of facilities. The policy has been revised to reflect that change in statute. This policy revision should be adopted in order to maintain accurate policies.

15. Policy 7450 - Property Inventory (Revised)

A drafting note has been added to this policy noting the federal threshold of \$5,000 for differentiating between supplies/materials and a capital expenditure for equipment purchase. See the note on Policy 6114 - Cost Principles - Spending Federal Funds. This policy may need to be revised if the district's current policy uses an equipment/inventory threshold higher than \$5,000.

16. Policy 8330 - Student Records (Revised)

This policy has been revised to reflect the change in federal rule (2021 Solomon Amendment: Subtitle C—General Service Authorities and Correction of Military Records SEC. 521). If the district issues student email addresses, it must release such email addresses to military recruiters as part of directory information, as requested, unless prohibited by student or parent request in writing. This revision should be adopted in order to maintain accurate policies.

17. Policy 8400 - School Safety (Revised)

The revision to this policy is to clarify that districts are now required to create, train, and utilize threat assessment teams. The policy language has been included as an option in Policy 8400 and as a stand alone AG 8400A since 2015. Addition of the Threat Assessment language is recommended in order to maintain accurate policies.

18. Policy 8462 - Student Abuse and Neglect (Revised)

This policy was updated to incorporate new requirements mandated by the Safety and Violence Education Students Act (SAVE Students Act), which was passed by the general assembly during lame duck and became effective March 24, 2021. The act requires school districts to adopt or adapt evidence-based suicide awareness and prevention curriculum for use in staff in-service that has been approved by the Ohio Department of Education. As was required under the previous version of the law, the training must be provided every two years to all nurses, teachers, counselors, school psychologists, mental health providers, and administrators who work in the District, as well as any other personnel that the Board determines appropriate. Policy 8462 includes the changes to the training, as well as the requirement from the SAVE Students Act that takes effect this year. Districts must register with the Safer Ohio School Tip Line operated by the Ohio Department of Public Safety, or alternatively enter into an agreement with an anonymous reporting program of the district's choosing. The reporting program must meet specific requirements and any agreements between a district and the selected anonymous reporting program must include a provision that requires the program to submit an annual report to the Ohio Departments of Public Safety and Education specifying the number of reports that were made and the method they were received. Each district will have reporting requirements as well and must also inform students about the program. Revisions to this policy reflect the current law and should be adopted to maintain accurate policies.

19. Policy 8600 - Transportation (Revised)

The budget bill contained several significant changes for school transportation. Policy 8600 and AG 8600 have been updated accordingly. HB 110 changed a number of provisions for community and nonpublic school student transportation. The deadline for an existing community school to unilaterally accept responsibility to provide transportation for its students from January 1st in the year prior to August 1. The bill also mandates that schools must provide transportation to community and non-public students on each day in which the schools are open for instruction even if the public school isn't open. Transportation on Saturdays and Sundays is still not required but may be agreed to in a contract between the public and nonpublic or community school. School districts are further from using mass transit to transport nonpublic/community school students in grades kindergarten through eight unless there is a contract between the district and the non-public/community school permitting its use. Schools are required to ensure that ninth through twelfth grade students who use mass transit may not have more than one transfer. Under HB 110, community & non-public schools must declare their official start and end times by April 1 for the upcoming school year. This triggers a district's obligation to develop a transportation plan for eligible students and submit the plan to the

community/non-public within 60 days. Special deadlines apply when the community or nonpublic schools provide late notice and when a student enrolls in the school after July 1st. ODE is tasked with monitoring compliance and must deduct transportation funding when it is determined that a district has consistently or for a prolonged period been non-compliant. Changes to payment-in-lieu of transportation (“PIL”) decisions were also adopted through HB 110. School districts must make a determination about PIL no later than 30 days before the start of school, or 14 calendar days if a student is enrolled later. Superintendents are now authorized to make PIL decisions after considering the same factors that currently exist, but those decisions must be approved by the board of education at the next scheduled meeting. Additionally, districts must now issue a letter to parents, the non-public/community school, and the State Board with a “detailed explanation” of why a PIL determination was made. And, a parent may now authorize a community/non-public school to act on their behalf after submitting a request for transportation, including in mediation proceedings with the public school district. The new law establishes that the minimum amount for PIL is at least 50% of the average cost of pupil transportation from the previous year up to the max of 100% of that average cost. An additional provision in the budget bill establishes that districts, educational service centers and third-party contractors are now required to deliver students no sooner than 30 minutes prior to the start of school and pick them up no later than 30 minutes after school. Transportation schedules must be adjusted accordingly. Revisions to this policy should be adopted in order to maintain accurate policies.

20. Policy 8651 - Nonroutine Use of School Buses (Revised)

Ohio’s Biennium Budget Bill, HB 110, included a provision that overturns a position the Ohio Department of Education took regarding non-routine use of school buses when they concluded that any use of a bus for an activity other than transportation of students required a school district to obtain approval of the vehicle and operator as a commercial carrier, subject to Department of Transportation rules and requirements. Last year, this issue was reported. The new statute included in HB 110 now authorizes a board of education to enter into agreements with various private and public government and nonprofit entities to provide transportation using the school district’s fleet in order to help them fulfill business-related activities in times of emergency. Policy 8651 and AG 8600 have been updated to recognize this new authority. This revision should be adopted if the district utilizes school buses in such a nonroutine manner.

21. 8720 - School Board Attorney (Rescind)

Policy 8720 is a custom redundant policy. The authority already exists in Bylaw, po0156.

22. Policy 8740 - Bonding (Revised)

This policy has been revised to reflect the insurance option made available through H.B. 291, which authorizes school districts to use an employee dishonesty and faithful performance of duty policy in lieu of surety bonds. This provision was added to Policy 1310 - Employment of the Treasurer/CFO in 2019. The provision of law was further modified by H.B. 444 to allow for the purchase of insurance in lieu of bonds at times other than at the time of initial employment of the Treasurer/CFO and to extend this allowance to all officers, employees, and appointees who are responsible for money and property. Note that the insurance must be in an amount equal to or greater than the amount required by the Board for a surety bond. These revisions reflect current Ohio law and should be adopted to maintain accurate policies.

#21-171 APPROVAL OF SOCIAL EMOTIONAL LEARNING & MENTAL HEALTH SERVICES SPECIALIST JOB DESCRIPTION AS PRESENTED

Motion was made by Reynolds and seconded by Ratliff to approve the following:

1. Approve the Social Emotional Learning & Mental Health Services Specialist job description as presented. (see attached)

Yes: Reynolds, Ratliff, McClafin

No: None

Vice President McClafin declared this motion passed.

#21-172 APPROVAL OF RETIREMENT - LINDA KARP

Motion was made by Ratliff and seconded by Reynolds to approve the following:

1. Approve the retirement of Linda Karp, Head Custodian of Westwood Elementary School effective February 1, 2022.

Yes: Ratliff, Reynolds, McClafin

No: None

Vice President McClafin declared this motion passed.

#21-173 APPROVAL OF RESIGNATION - JAMES KOVACH

Motion was made by Ratliff and seconded by Reynolds to approve the following:

1. Approve the resignation of James Kovach as Night Custodian at Westwood Elementary School effective October 1, 2021.

Yes: Ratliff, Reynolds, McClafin

No: None

Vice President McClafin declared this motion passed.

#21-174 APPROVAL OF RETIREMENT - CINDY KODOSKY

Motion was made by Reynolds and seconded by Ratliff to approve the following:

1. Approve the retirement of Cindy Kodosky, Third Grade Teacher at Westwood Elementary School effective at the end of the 2021/2022 School Year..

Yes: Reynolds, Ratliff, McClafin

No: None

Vice President McClafin declared this motion passed.

#21-175 APPROVAL OF EMPLOYMENT - VERNA HALL

Motion was made by Ratliff and seconded by Reynolds to approve the following:

1. Approve a one (1) year long-term substitute cleaner employment contract for Verna Hall as cleaner (EL3) for 8 hours daily at Westwood Elementary School for the 2021/2022 School Year effective September 27, 2021.

Yes: Ratliff, Reynolds, McClafin

No: None

Vice President McClafin declared this motion passed.

#21-176 APPROVAL OF LETTER OF UNDERSTANDING - WEA - ONLINE CLASS SIZES

Motion was made by Reynolds and seconded by Ratliff to approve the following:

1. Approve the Letter of Understanding with the Wellington Education Association about online class sizes.

Yes: Reynolds, Ratliff, McClafin

No: None

Vice President McClafin declared this motion passed.

#21-177 APPROVAL OF TENTATIVE AGREEMENT FOR THE NEGOTIATED WAGE REOPENER - WEA

Motion was made by Reynolds and seconded by Ratliff to approve the following:

1. Approve the tentative agreement for the negotiated wage reopener with the Wellington Education Association. (2% Cost of Living Increase in Base Wage and \$750 one-time stipend).

Yes: Reynolds, Ratliff, McClafin

No: None

Vice President McClaffin declared this motion passed.

#21-178 APPROVAL OF TENTATIVE AGREEMENT FOR THE NEGOTIATED WAGE REOPENER - WSSS

Motion was made by Reynolds and seconded by Ratliff to approve the following:

1. Approve the tentative agreement for the negotiated wage reopener with the Wellington Schools Support Staff. (2% Cost of Living Increase in Base Wage and \$750 one-time stipend).

Yes: Reynolds, Ratliff, McClaffin

No: None

Vice President McClaffin declared this motion passed.

FUTURE MEETINGS

- A. Tuesday, October 19, 2021, Business Meeting, 6:00 PM, Wellington High School and via Zoom
- B. Tuesday, November 1, 2021, Work Session, 6:00 PM, Westwood and via Zoom
- C. Tuesday, November 16, 2021, Business Meeting, 6:00 PM, Westwood and via Zoom

#21-179 ADJOURNMENT

Motion was made by Ratliff and seconded by Reynolds to adjourn the Special Session at 7:50 p.m.

Yes: Ratliff, Reynolds, McClaffin

No: None

Vice President McClaffin declared this motion passed.

Board Vice-President

Treasurer

Note: There is an audio recording of the meeting and it is available upon request with the Treasurer.