



Month of Board Meetings: October Update

Blended Learning

As posted on the [ODE website](#) under the FAQ ****NEW** Can a classroom, building or entire district temporarily switch to online learning due to COVID-19-related issues?** The requirement of offering a minimum of 920 hours is the requirement of the school (as the school has an approved calendar in EMIS, not each individual class). If the school is not open for instruction, those hours do not count against this requirement (except for the three calamity days in 3313.482). If a class has to quarantine due to exposure, the school would have two options:

1. Mark the students as absent and offer enrichment assignments during the period of the quarantine.
2. Choose to offer a remote classroom during this period for this class, so long as the school documents the non-classroom learning opportunities in alignment with the FTE manual.

School Funding

Implementation of the new school funding formula has been delayed and moved to December. This delay will not reduce the total amount of funding a school will generate in state funding during the 2021-22 school year.

Report Card

The data from the 2020-2021 school year will be released October 14th (2021 [user guide](#)).

New pupil transportation provisions in Ohio's budget bill

With the recent passage of Ohio's new biennial budget bill (House Bill 110), the Ohio Department of Education is sharing information below about student transportation changes outlined in the bill that districts must implement. These new provisions became effective Sept. 30, 2021.

The new and amended [Ohio Revised Code sections from House Bill 110 pertaining to transportation are:](#)

1. [3327.01](#) Transportation of Pupils:

- Requires a school district to provide transportation for community and nonpublic school students regardless of whether the district's own schools are open for operation with students in attendance on that day. (Retains current law exception regarding transporting on weekends.)
- Requires school districts, educational service centers, and transportation contractors to deliver students in preschool through grade 12 to their schools no earlier than 30 minutes before the start of the school day and to pick up no later than 30 minutes after the close of the school day.

2. [3327.016](#) Community and Nonpublic Schools Transportation Plan:

- Requires community and nonpublic schools to establish start and end times for the school year by April 1 of the preceding year and to inform each district expected to transport its eligible students.

- Requires districts to use information provided by the community and nonpublic schools to develop a transportation plan, including route and schedules, within 60 days of receiving the information.
- If a community school or nonpublic school provides start and end times after April 1, but before July 1, the district shall attempt to provide a transportation plan by Aug. 1.
- For any eligible student who enrolls after July 1, the district shall attempt to develop a transportation plan, including routes and schedules, within 14 business days of receiving a request for transportation services.

3. [3327.017](#) Mass Transit to Transport Community and Nonpublic School Students:

- Prohibits the use of mass transit for community and nonpublic school students in kindergarten through grade 8 unless the district enters into an agreement with the community or nonpublic school.
- If a district uses mass transit in grades 9 through 12, it must ensure the student's route does not require more than one transfer.

4. [3327.018](#) Transportation Contract for Bus Use by Outside Entities:

- Permits a school district to contract with a nonprofit organization or government entity for fulfillment of legitimate activities and in times of emergency. This can include a public or private not-for-profit agency, group or organization, municipal corporation, other political subdivision or state or federal agency.

5. [3327.101](#) Online School Bus Driver Training Program:

- Requires the Department to develop an Online Bus Driver Training Program for preservice and annual in-service training and requires drivers to complete on-the-bus training in person.

6. [3314.091](#) Transportation of Native Students Provided by Community School – Agreement:

- Changes the deadline from Jan. 31 to Aug. 1 for a community school to notify a district that the school will take over transportation of the school's students.

7. [3327.02](#) Declaring Impracticality of Transportation – Offer of Payment in Lieu of Transportation:

- Sets the deadline for districts or community schools to make impracticality determinations to 30 calendar days prior to the first day of instruction, or if a student enrolls after the first day of instruction, determinations must be made within 14 days of enrollment.
- Authorizes superintendents to make determinations which then are formalized at the next board or governing authority meeting. The district or school must send a letter detailing the reasons for determinations to parents, guardians, the State Board of Education of Ohio, and the student's community or nonpublic school.
- Modifies the minimum amount for payment in lieu to be at least 50 percent of the amount determined by the Department as the average cost of pupil transportation from the previous school year.
- Modifies the amount that a school district must pay to the student's parent or guardian if the Department determines the district has failed to provide required transportation services (50 percent of cost of providing transportation to a student as determined by school or district but not more than \$2,500).
- Allows parents or guardians of a community or nonpublic school student to authorize the student's school to represent them during mediation proceedings related to transportation services.

8. [3317.0212](#) Bus Ridership:

- Extends to Nov. 1 (from Oct. 15) the deadline for districts to report their qualifying bus ridership (T1)

to the Department.

- Includes preschool students and students living within one mile of the school building as qualifying riders.
- Allows for the greater of the morning or afternoon ridership to be counted.

New compliance monitoring system for school-related pupil transportation

Beginning Friday, Oct. 1, 2021, the Ohio Department of Education's Office of Field Services and Transportation launched a new compliance monitoring system for all school-related pupil transportation programs in the state as outlined in Ohio law. This new system will begin as a statewide pilot program, with full and complete implementation of the system slated for April 1, 2022. To learn more about the new compliance and monitoring system, visit the [transportation page on the Department's website](#).

Vaccination Questions

As you know, this information is changing rapidly, so we are providing our recommendations based on the information that is readily available today. House Bill 244, which will go into law effective October 13, 2021, does apply to both employees and students. It provides that a community school: (i) cannot require an individual to receive a vaccine for which the FDA has not granted full approval; and (ii) cannot discriminate against an individual who has not received a vaccine that has not been granted full FDA approval, by requiring the individual to engage in or refrain from engaging in activities or precautions that differ from activities or precautions of an individual who has received the vaccine. At this time, the Pfizer-BioNTech COVID-19 Vaccine/Comirnaty vaccine received full FDA approval on August 23, 2021.

1. Can a community school require employees to be vaccinated?

Prior to the passage of House Bill 244, the answer to this question would have been yes, subject to the reasonable accommodation provisions of Title VII and the ADA. Even with the passage of House Bill 244, one of the available vaccines has received full FDA approval. Thus, a community school can require an employee to be vaccinated subject to making reasonable accommodations for employees who are unable to be vaccinated for medical or religious reasons. Those exemptions, including what constitutes a reasonable accommodation, are fact-specific depending on the particular circumstances.

2. Can a community school require students' parents to provide vaccination status of their children?

No, we do not believe that a community school can require a students' parents to provide vaccination status for COVID-19 of their children. Unlike the traditional vaccine requirements in Ohio, the COVID-19 vaccine is still being administered under emergency use (EUA) and thus not yet incorporated into the required vaccines for school attendance. Still, schools may request voluntary disclosure of student vaccination status. Some things that the school will want to consider in contemplating a voluntary vaccination status disclosure: 1) a child's vaccination status, if submitted to their school, will be considered personally identifiable information ("PII") contained within an education record under FERPA. 2) FERPA prohibits educational agencies from disclosing PII from students' education record without the prior written consent of a parent unless an exception to FERPA's general consent rule applies. For instance, pursuant to one such exception, the "health or safety emergency" exception, educational agencies and institutions may disclose to a public health agency PII from student education records without prior written consent in connection with an emergency if the public health agency's knowledge of the information is necessary to protect the health or safety of students or other individuals. This "health or safety emergency" exception to FERPA's general consent requirement is limited in time to the period of the emergency and generally does not allow for a blanket release of PII

from student education records. Typically, law enforcement officials, public health officials, trained medical personnel, and parents are the types of appropriate parties to whom PII from education records may be disclosed under this FERPA exception. Thus, a community school that becomes the keeper of vaccination status information for their students should be prepared to fully comply with FERPA as it relates to that information. Finally, although there is no direct guidance on this issue at this time, requiring that parents submit medical information about their child could create a chilling effect on enrollment.

Sunshine Law Annual Training

The Ohio Auditor of State has identified best practices for the certified annual training. The annual training for community school administrators should be completed within the first four months of employment, per [AOS Bulletin 2019-003](#), page 9. To help with this requirement, we will be moving the Epicenter requirement to November 1.

We will continue to provide an updated legislative review this spring and are looking for ways to make the training less burdensome for board members and school administration annually. Our current training is available [here](#).

College Credit Plus mature content permission slip available

As of Oct. 1, Ohio colleges, universities, and secondary schools must provide information about mature subject matter in college courses to students applying to participate in College Credit Plus and their parents or guardians, as required by Ohio law. New resources for 2021-2022 found [here](#).

Ohio School & School District PPE On-Demand Survey

The state of Ohio is offering personal protective equipment (PPE) at no charge to schools and school districts through their respective educational service centers (ESCs) to help prevent the spread of COVID-19. The PPE was purchased with federal stimulus funds for the purpose of responding to the public health emergency related to the coronavirus disease 2019 (COVID-19). The online order form is available [here](#).

Trainings and Events

[Ohio Curriculum Support Guide Webinar Series: The Case for Selecting High-Quality Instructional Materials](#) (Some sessions available on demand and the next live session is October 6)

[2021 Virtual School Safety Summit](#) The agenda includes sessions on physical security, emergency management, mental health, school climate, suicide prevention, cyber safety, transportation, and threat assessment. (October 6-8)

[Ohio Association of Administrators of State and Federal Education Programs conference](#) This conference offers important information and updates on administering federal education programs. The association encourages superintendents, treasurers, school district Title coordinators, and other school officials to attend. (October 25-26)

[Virtual Ohio School Improvement Institute](#) Hear featured national speakers on topics such as equity, grading practices, student engagement, and more. Ohio schools will discuss their best practices for school improvement. (November 3)

Compliance and Epicenter Requirements

- Affidavit for Criminal Background Checks, Monthly Enrollment Verification (October 1)
- Final Approved Board Minutes, Child Find Documentation, Fire and Safety Drill Log, Truancy Policy (October 6)
- Review [Fiscal Year 2021 finance data](#) (October 8)
- Deadline to [review and verify Fiscal Year 2021 report card data](#) (October 8)
- Internet Safety and Acceptable Use Policy, Lead Abatement Notification, Parental Involvement Policy, State Testing and Assessment Calendar (October 13)
- Fall Assessment Data (October 15)
- Anti-Harassment and Bullying Policy, Conduct of Academic Prevention and Intervention Services Policy, Parent Information District Screening Health and Development Disorders, Staff Handbook, Student Handbook (October 20)
- Community School Annual Budget (October 22)
- Monthly Enrollment Verification (October 24)
- Annual Report of Special Education Services and Expenditures (October 26)
- Final Approved Board Minutes, Core Curriculum Parental Notification, Policy on Career Advising (October 27)
- Truancy Documentation, Monthly Financial and Enrollment Report-September (October 30)
- Monthly Financial and Enrollment Report-October, Annual Report, Current Mailing Address List of All Parents (October 31)

Compliance refresher – Legislative Service Commission’s [Laws from which Community Schools Are Not Exempt.](#)

ORC [109.65](#), [3313.672](#), and [3313.96](#)

Requirements for missing children reporting, student fingerprinting, and admission documentation

If notified that a missing child is attending the school, the school and its governing authority must have a process to notify the missing children clearinghouse and the local law enforcement agency.

The school must develop informational programs for students, parents and community members relative to missing children issues and matters. Governing Authorities **may** request copies of the informational materials acquired or prepared by the missing children clearinghouse pursuant to section 109.65 of the Revised Code and may request assistance from the clearinghouse in developing its programs. Governing Authorities **may** develop a fingerprinting program for students and minors within the community school. If they do, they must follow the requirements in ORC 3313.96 (C).

Admission documents must include: records given the pupil by the public or nonpublic elementary or secondary school the pupil most recently attended; a certified copy of an order or decree, or modification of such an order or decree allocating parental rights and responsibilities for the care of a child and designating a residential parent and legal custodian of the child; and a certification of birth (for a list of documents accepted in lieu of a birth certificate see 3313.672 (A) (1) (a) through (e)).

How we verify schools are in compliance:

1. Schools must submit evidence of the written reporting policy and evidence of implementation which includes how the school documents missing children reports.

2. Review of student files and enrollment information during on-site visits.
3. Schools must submit enrollment paperwork that includes the information or a checklist.
4. Student and Staff handbooks with missing children policy reporting information and reporting of changes to enrollment information.

Other Resources

[Ohio's 2021 spring tests show that achievement suffered during the pandemic and highlight the importance of in-person learning](#), Vladimir Kogan, Stéphane Lavertu

[Can Ohio solve the school transportation riddle?](#), Aaron Churchill

[Ohio's Lost Einsteins: The inequitable outcomes of early high achievers](#), Dr. Scott Imberman ([Webinar video of report findings](#))