



Book	Policy Manual
Section	Volume 32, No. 2 - June 2020
Title	Vol. 32, No. 2 - June 2020
Code	0 - OVERVIEW
Status	From Neola

INDIANA OVERVIEW AND COMMENTS

Policy Update

Volume 32, Number 2

June 2020

This update includes proposed revisions to ten (10) policies, technical corrections in three (3) policies, three (3) new policies, proposed revisions to one (1) administrative guideline, deletion of one (1) administrative guideline, and one (1) new administrative guideline, three legal alerts, and a proposed resolution. The proposed revisions to current policies as well as the new policies and guidelines that are provided are the result of our ongoing work with our Indiana clients, as well as our ongoing review of the statutory language at the State and Federal level, court decisions, et cetera. The revisions recommended in this update are deemed necessary to comply with changes in the law, both State and Federal.

Legislation approved during the last legislative session has been the subject of scrutiny by Neola and its Indiana outside counsel, Karen Glasser Sharp of Lewis Kappes. As is our practice, Neola will make revisions to policies and guidelines impacted by legislation passed in the most recent session of the General Assembly in the update that follows this Fall.

For ease of use, the policies, guideline, and legal alert in this update are organized in numerical order in the sub-folder that has been posted in the School Corporation's folder on the VPN or in the hard copy packet if your Corporation still chooses to receive its material in that form.

However, policies from multiple sections are grouped together in this Overview when and if the explanation is the same for the proposed revisions to a group of policies/guidelines.

Questions?

Any content-related questions should be directed to your Corporation's associate.

All production related questions should be directed to the Coshoccon Production Office at 632 Main Street, Coshoccon, Ohio 43812 (email production@neola.com, phone 800-407-5815, fax 740-622-2557).

Billing questions should be directed to the Corporate Office at 3914 Clock Pointe Trail, Suite 103, Stow, Ohio 44224 (email mchapman@neola.com, phone 330-926-0514, fax 330-926-0525).

The Update Material

The proposed new and revised policies included in this update have been thoughtfully prepared and have been reviewed by Lewis Kappes, Neola's outside legal counsel in Indiana, for compliance with Federal and State law, Federal and State Regulatory Agencies, and applicable Federal and State court decisions.

If you make substantive changes to a Neola template or substitute in its entirety a policy or other material of your own drafting, that material should be reviewed by the legal counsel for your Corporation to verify compliance with applicable laws, regulations, and court decisions. Neola does not review any Corporation-Specific Material.

If the Corporation authors language and adds it to a policy template or deletes content that is not marked as a choice in the policy template, then these actions will constitute Corporation-specific edits. Neola does not review Corporation-specific edits to update materials or Corporation-specific policies for statutory compliance. (See "Caveat RE: Corporation-Specific Edits" below.)

If a policy or guideline is marked revision, the proposed revisions will include material to be added and material to be deleted. As you review a revised policy or guideline, you may choose to accept one, many or all of the changes presented.

If a policy or guideline is marked as a replacement, that means there have been enough changes made that instead of showing each individual change, a complete, clean replacement copy has been provided. As you review a replacement policy or guideline, you should also compare the replacement materials to your current policy or guideline to determine if there is some Corporation-specific wording in your current material that you want to be included in the replacement policy. If so, any wording from the current policy should be added using BoardDocs "Track Changes" tool before returning the replacement policy electronically to the Coshocton production office for processing.

Policies that are to be deleted from the Corporation's Board-adopted Policy Manual require School Board action to rescind the policy.

Your Neola Associate will contact you in the near future to schedule an appointment to review this update and ensure you are current on this and previous updates.

If you are not an administrative guidelines client, you did not receive those materials in this packet. Contact your Associate for more information about becoming an administrative guidelines client.

Submitting Material

The Corporation can incorporate the proposed edits in the Update documents into the Corporation's current policies using "Track Changes" or the editing tool in the BoardDocs platform. Mark the current materials indicating which of the proposed revisions and additions you choose to include and/or to make additional edits, before presenting them to the Board for adoption. After adoption, return the materials on the BoardDocs policy site to Neola for processing and publishing. Please be sure to leave the "track changes" in the marked-up version that you submit to the production office in Coshocton, Ohio.

Please remember to email **production@neola.com** when you've posted your material and the disposition sheet so we know to go to your folder and retrieve it, and what we can expect to find there when we access it.

Please note, even if a Corporation chooses not to include a policy or administrative guideline in their management documents that describes a statutory requirement, the Corporation is still obligated to follow applicable Federal and State laws relating to that policy or guideline.

Caveat RE: Corporation-Specific Edits

Please note also that if the Corporation chooses during any step of the Update process to incorporate Corporation-specific material into a new policy that has been proposed or insert Corporation-specific material into a current policy for which revisions have been proposed in an update issued by Neola, then the Corporation agrees to hold Neola harmless for those Corporation-specific edits and acknowledges that Neola's Warranty for legal challenges to the Corporation-specific language in that policy will be voided. In addition, *Neola* retains ownership of the text from the original policy template that remains in a policy to which Corporation-specific edits have been made. Corporation-specific materials include the following:

- A. materials from the existing materials for the Corporation that the Corporation requests be incorporated into Neola templates during the drafting process;
- B. new policies or guidelines developed in their entirety by the Corporation, exclusive of Neola; and
- C. revisions to or deletions from a Neola template that substantively depart from that template.

Further, Neola does not advocate the use or incorporation of Corporation-specific materials. Neola will, at the request of the Corporation, incorporate Corporation-specific materials into the licensed materials, with the implicit understanding that the Corporation accepts all risks associated with the decision to request that such Corporation-specific materials be incorporated. *Neola* reserves the right to but is not obligated to, advise the Corporation to seek its own legal review of Corporation-specific materials by the school board attorney who represents the Corporation. And Neola retains the copyright to any intellectual property from its template.

Caveat RE: Neola's Warranty

Neola proudly warrants that the content of the policy templates is legally correct.

However, when Federal and State law is amended or new provisions are added to State or Federal law and revision or replacement of an existing policy template is necessitated, the copyright date noted at the end of the policy is updated as well.

Please note, Neola's warranty applies only to the policy template with the most current copyright date. All previous iterations of the policy template are no longer warranted.

Therefore, the material included in each update should be adopted if the Corporation wants assurance that their adopted policies are warranted by Neola.

Notifying Neola of a Challenge to the Legal Accuracy of a Policy

The Neola staff in Indiana is vigilant in providing policy language to our clients that has been vetted for legal accuracy by our outside counsel. Should questions arise as to the legal compliance or

accuracy of Neola materials, it is our expectation that our outside counsel would have the opportunity to assist in the resolution of such a claim. That can occur only if we are notified immediately upon receipt of such a challenge. Please notify Neola's corporate office (330-926-0514) if an issue arises in which such a review or assistance is necessary. To be eligible for assistance under our warranty we must be notified with ten (10) business days of the receipt of such a challenge.

MEMOS AND LEGAL ALERTS

Included with this update is a legal alert on Light Duty. We have had a number of questions about the need to develop a Light Duty policy. Often these are prompted by a school corporation's worker's compensation insurance carrier, which would prefer not to pay for injured employees to remain off work. However, there is no law that requires an employer to offer Light Duty. It is purely optional to provide Light Duty. Consequently, Neola has not developed a policy as it is not required by law nor is it otherwise necessary to maintain the school corporation's operations.

A resolution has been included in this update regarding the emergency paid leave and expanded FMLA leave provisions of the Families First Coronavirus Response Act. Because these are temporary leave provisions that expire on December 31, 2020, rather than amending policies, Neola is offering this resolution for adoption by the Board.

BYLAWS AND POLICIES

After reviewing the proposed revisions to the ten (10) policies, technical corrections in three (3) policies, and three (3) new policies and making any choices provided therein, the Superintendent should recommend the adoption of the new and revised material, and the Board should approve the Superintendent's recommendation so that the Corporation's policies are legally consistent and correct.

If one or more of the current templates to which revisions are proposed as a result of recent changes in the Indiana Code or Federal law and included in this update are not among the policies previously adopted by the Board for the Corporation, Neola recommends that the Corporation reconsider the material and adopt those templates as new policies for the Corporation.

Bylaw 0151 – Organizational Meeting – Technical

Revisions to Bylaw 0151 Organizational Meeting are being made to correct outdated citations.

It is advised that the proposed revisions to this bylaw be recommended by the Superintendent and adopted by the Board so the bylaw reflects current statutes.

Bylaw 0152 – Officers – Technical

Revisions to Bylaw 0152 Officers are being made to correct outdated citations and to provide uniformity in the language used to refer to the School Board and School Corporation.

It is advised that the proposed revisions to this bylaw be recommended by the Superintendent and adopted by the Board so the bylaw reflects current statutes and is consistent with other Board policies.

Bylaw 0154 – Motions – Revised

Revisions to this bylaw were completed to accurately reflect the required Board actions at the organizational meeting versus recommended but optional Board actions and to update the citations to reflect current law.

Neola recommends that the Superintendent make a recommendation to the Board to adopt the proposed revisions to this bylaw and that the revised bylaw be adopted by the Board in order for the Board's bylaws to remain compliant with current Federal and State law.

Bylaw 0155 – Committees – Technical

Revisions to Bylaw 0155 Committees are being made to correct outdated citations and to provide uniformity in the language used to refer to the School Board.

It is advised that the proposed revisions to this bylaw be recommended by the Superintendent and adopted by the Board so the bylaw reflects current statutes and is consistent with other Board policies.

Bylaw 0167.2 - Executive Session – Revised

This bylaw has been revised due to amendments to IC 5-14-1.5-6.1(b)(2)(D). This statute addresses the allowable purposes for an executive session. The amendment to the statute revised the language used to describe the calling of an executive session for matters dealing with real property transactions by the school corporation.

It is recommended that this revised bylaw be recommended by the Superintendent and adopted by the Board so the Corporation's bylaws meet the statutory requirements for executive sessions.

Bylaw 0171.4 - Treasurer - Revised

This bylaw has been revised to reflect the options provided in the revised Bylaw 0154 - Motions. Revisions should be made for consistency, grammatical changes and to allow the Treasurer to appoint a deputy pursuant to State law.

It is advised that the proposed revisions to this bylaw be recommended by the Superintendent and adopted by the Board so the bylaw reflects current statutes and is consistent with other Board policies.

Policy 3120.11 – Public Hearing Before Commencement of Collective Bargaining – New

Policy 3120.11 is a new policy that implements the requirement of Senate Enrolled Act 390 that the parties hold a public hearing and take public testimony regarding teacher compensation before starting private, formal negotiations and the guidance provided by the Indiana Education Employment Relations Board.

The Superintendent should recommend adoption of the new policy and the Board should adopt this policy to ensure compliance with State law.

Policy 5111 – Determination of Legal Settlement and Eligibility for Enrollment of Students Without Legal Settlement in the Corporation - Revised

Policy 5111 is being revised to include an option for the Board to delegate authority to the Superintendent to deny a student's application to transfer to the Corporation, discontinue enrollment of a transfer student currently attending, rescind approval of a student approved to attend in a subsequent year, or establish terms or conditions for enrollment or for continued enrollment in a subsequent school year if the student meets the statutory requirements. Absent this delegation, the Board must take action with respect to such students.

It is advised that the Superintendent recommend approval of this revised policy to the Board. The Board should adopt the revision to permit the Superintendent or his/her designee to make decisions regarding transfer of students pursuant to State law.

Policy 5460 – Graduation Requirements - Revised

This policy was revised to include a new requirement for the 2020-21 school year. HEA 1629 added section 39 to IC 20-26-5. The new section requires each senior to receive notifications concerning the FAFSA and the process and benefits of completing the FAFSA. The notice also must include approximate tuitions for state educational institutions in Indiana as well as state scholarships, grants or other assistance available to students.

It is recommended that the Superintendent recommend approval of this revised policy to the Board. The Board should adopt the revision to keep local graduation requirements in line with state statutes.

Policy 6105 - Authorization to Accept and Distribute Electronic Records and to Use Electronic Signature - Revised

This revision recognizes and authorizes the use of electronic signatures and electronic records for the broader range of applications and transactions that are part of the school business function. Such specific authorization has been requested by clients when dealing with Medicaid assistance for IEP services. It should be noted that the District should implement procedures with the use of electronic signatures and electronic records that protect the integrity and security of the information included in such records.

This revision is recommended for adoption.

Policy 6250 – Required ADM Counts for the Purpose of State Funding – New

This policy has been developed in response to the State Board of Accounts requirement that each school corporation should adopt a "student engagement policy". This requirement was stated in The School Bulletin, Volume 228 (page 4), December 2019. This policy addresses the required ADM counts which are taken for the purpose of state funding. This policy establishes which students may be counted in the ADM count and establishes individuals who will be responsible at each building and at the corporation for compiling the count and verifying the accuracy of the count. The policy also establishes information and documentation which must be retained for audit purposes.

It is recommended that the Superintendent recommends the adoption of this new policy to the Board. The Board should approve the policy to meet the requirements of the State Board of Accounts.

Policy 7540.02 - Web Accessibility, Content, Apps and Services - Revised

This policy has been revised to clarify that it applies to the content of both the Corporation's web pages/sites and its apps and services, which may not be web-based. Additionally, a section has been added to the policy that addresses website accessibility, which has been the recent subject of enforcement by the Office for Civil Rights.

The Superintendent should recommend adoption of the revised policy to the Board, and the Board should adopt the revision to ensure compliance with Federal law.

Policy 8330 – Student Records - Revised

Revisions to Policy 8330 are recommended to address the release of educational records in health and safety emergencies and coordinate compliance with the Family Educational Rights and Privacy Act, 20 U.S.C. 1232G and its implementing regulations at 34 C.F.R. Part 99 ("FERPA") and Indiana Code 20-33-7-4.

It is advised that the Superintendent recommend approval of this revised policy to the Board. The Board should adopt the revision to allow for the sharing of information contained in student records during health and safety emergencies in compliance with Federal and State law.

Policy 8420.01 - Pandemics and Epidemics - New

Given the unprecedented school closures due to the COVID-19 outbreak, Neola has determined a policy addressing pandemics and epidemics is something that the Board should address. Because former guideline 8420E covered much of the same material, it is recommended that a Superintendent who has this guideline in place revoke it and recommend that the Board adopt instead Policy 8420.01 - Pandemics and Epidemics.

Policy 8450 - Control of Casual Contact Communicable Diseases - Revised

This policy has been revised to update the list of common communicable diseases and to include the 2019 Novel Coronavirus Disease (COVID-19).

It is advised that the Superintendent recommend that the policy revision be adopted by the Board to reflect current medical conditions.

ADMINISTRATIVE GUIDELINES

These following guidelines have been revised to support the aforementioned policy changes. It is recommended that the use of these revised guidelines be approved in order to keep the guideline current.

AG 6250 – Required ADM Counts for the Purpose of State Funding – New

This new administrative guideline is developed in response to the State Board of Accounts position that each school corporation establishes procedures for the accurate compiling of the required ADM counts. The administrative guideline allows the Superintendent to assign the responsibility of compiling the ADM count to an individual in each school building. Likewise, the administrative guideline allows the Superintendent to identify an individual at the school corporation level who will be responsible for compiling the total corporation ADM count and submit it to the state officials. The administrative guideline establishes a line of authority and documentation of the ADM count which are required for audit purposes for future ADM counts.

The administrative guideline also has an optional section that should only be used by school corporations that have students participating in a "virtual education program". The "virtual education program" must meet the definition of a virtual education program as defined in state statute as does not include credit recovery.

It is recommended that the Superintendent approve the use of this new administrative guideline to meet the requirements of the State Board of Accounts and to be prepared for future audits.

AG8420E - Pandemics and Other Medical Emergencies - Delete

See note on Policy 8420.01 - Pandemics and Epidemics (New)

AG 8450 - Management of Selected Casual-Contact Diseases

This administrative guideline is being revised to update the information in the policy to reflect the most recent version of the Indiana State Department of Health's *Communicable Disease Reference Guide for Schools: 2017 Edition*.

The Superintendent should approve the changes to this guideline to remain compliant with the directives of the Indiana State Department of Health regarding communicable diseases.

COMMENTS

Reviewing Board Minutes

A feature of your subscription to the Update Service is the review of your Corporation's Board minutes to identify an action that results in new policy or revision to existing policy. If such action has been taken and copies of the related materials have not been submitted to the Coshocton Office, the Corporation will be contacted and additional information regarding the action will be requested.

This submission should occur as soon as the minutes for a Board meeting are approved. Submitting minutes a year, two, or even three later is not what Neola intends.

Please take advantage of this valuable service by sending copies of your Board minutes to the Coshocton Office for review.