



Book	Policy Manual
Section	Special Update - July 2020
Title	Special Update - July 2020
Code	0 - OVERVIEW
Status	From Neola

INDIANA OVERVIEW AND COMMENTS

Policy Update

Special Update

July 2020

This update includes proposed two (2) new. 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 Coshocton Production Office at 632 Main Street, Coshocton, 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.

BYLAWS AND POLICIES

After reviewing the proposed two (2) 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.

Policy 2370.03 – Virtual Education Program - New

This new policy defines a Virtual Education Program. The policy should be considered by corporations planning to provide a Virtual Education Program option to students. The policy contains language to meet the Indiana Department of Education's requirements for all Virtual Education Programs about onboarding students, training students on the use of the virtual program and conditions which require the withdrawal of a student from the virtual program.

The policy has also been developed to meet the requirements of the State Board of Accounts mandate that each school corporation has a "more robust" methodology for accounting for student enrollment, attendance, and participation when claiming students in a virtual education program on the ADM count. When doing an ADM audit of the school corporation, the State Board of Accounts may request the Corporation's policies which support the manner in which the count was derived. This policy and policy 6250 Required ADM Counts for the Purpose of State Funding should satisfy the request.

The Superintendent should recommend the approval of the policy if the corporation intends to offer a virtual education program for students. The Board should adopt the policy to be current with the requirements of the State Board of Accounts and the Indiana Department of Education regarding virtual education programs.

Policy 8450.01 - Protective Facial Coverings During Pandemic/Epidemic Events - New

This new policy is provided in response to client requests. It is based on guidance from the Center for Disease Control and Prevention (CDC). The guidance and content of this policy may be included in the Corporation's Restart/Reopening plan for the 2020-21 school year. The policy provides coverage for students, Corporation employees, and volunteers/visitors.

This new policy is provided for Corporation consideration.

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.