



LEGAL UPDATE

For Ohio Community School Boards



LAME DUCK LEGISLATION

As often occurs at the end of a legislative session (“lame duck”), 2024 concluded with the 135th General Assembly passing several education-related bills:

House Bill 206: Permits boards to adopt a policy authorizing its superintendent to more broadly expel students for up to 180 days (with a possible 90 day extension) who pose a threat to the health and safety of students and employees. The policy would require conditions for reinstatement, one of which must be an assessment by a psychiatrist.

HB 8: Being dubbed “Parent’s Bill of Rights”, this law will require schools to adopt policies for parental notification on student health and well-being and instructional materials with sexuality content and allowing released/non-absent time for courses in religious instruction.

Prior to these new laws’ effective dates, your board’s legal counsel will be working to draft new policies and revise existing policies to comply with new requirements.

VIRTUAL MEETINGS




House Bill 257 will become effective this spring allowing certain public bodies to meet virtually. Under the new law, members of a public body may hold and attend meetings by means of video conference so long as the board adopts a policy containing certain requirements, including ensuring the public can observe and hear the discussions of all the board members at all times. While a former version of the bill excluded traditional district school boards, the version signed into law by the Governor in January seems to be applicable to community school boards. More information will be provided prior to the laws effective date of April 8, 2025.

Question & Answer:

Q: Why is our board being asked to adopt a new special education policy?

A. The Ohio Department of Education and Workforce recently updated the state’s Operating Standards for the Education of Children with Disabilities. Aspects were amended to align with federal and state law changes, update terminology, and provide clarity. Part of the updates include a new Special Education Model Policies and Procedures. While schools can create their own policy and submit for approval, generally speaking, adoption of the state’s model policy is advisable. Proof of board adoption of the policy must be reported to the state by March 30, 2025.

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