

illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, e-mailing or sexting, etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating or sharing obscene, pornographic, lewd or otherwise illegal images or photographs may be punished under this code of conduct and will be reported to law enforcement and/or other

appropriate state or federal agencies, which may result in arrest, criminal prosecution and lifetime inclusion on sexual offender registries.”

When an administrator finds out about a photo, the reasonable suspicion standard applies to searching a cell phone. The administrator should have reasonable suspicion that the student has violated the school’s code of conduct in order to search a phone. The search must be justified at its inception and be

reasonable in scope. For example, searching for a picture text ordinarily would not require listening to voice mails. The administrator should consult with the police upon finding a photograph. Depending on the facts and circumstances, a child abuse report may be necessary as well.

As always, education about the proper use of technology is key. Districts may want to develop resources to help educate students and parents about the dangers of sexting.

## Mandated plan for credit flexibility

by Jessica L. Spears  
policy specialist

In 2007, the Ohio General Assembly enacted Senate Bill (SB) 311, also known as the Ohio Core. The law directs the State Board of Education to adopt a plan enabling students to earn units of high school credit based on demonstrating subject area competency instead of, or in combination with,

completing hours of classroom instruction. As a result of this legislative mandate, the Ohio Department of Education (ODE) created the Carnegie Design Team, consisting of K-12 practitioners and representatives from business and higher education, to study and vet the credit flexibility issue.

The intent was to create flexibility to meet increased expectations for high school graduation in response to

globalization, technology and demographics, and to meet the demand for 21st century skills, such as creative and innovative thinking. Credit flexibility is intended to motivate and increase student learning by allowing:

- access to more learning resources, especially real-world experiences;
- customization around individual student needs;
- use of multiple measures of learning, especially those where students demonstrate what they know and can do, apply the learning or document performance.

### Carnegie Design Team findings

The team reviewed the policies of Ohio and other states and made the following conclusions:

- Current Carnegie structures do not guarantee learning for each and every student.
- The five existing Ohio law provisions for flexibility currently operate as exemptions rather than alternative pathways, thus serving relatively few students earning high school credit.

These provisions include:

- career-technical education-articulated academic credit (Ohio Revised Code Section (RC) 3313.603),
- educational options (Ohio Administrative Code (OAC) 3301-35-01 and 3301-35-06),
- innovative pilot program waiver (OAC 3301-35-06),



### Policy Development Quarterly

#### Ohio School Boards Association

8050 N. High St., Suite 100, Columbus, OH 43235-6481  
(614) 540-4000 ● (800) 589-OSBA  
fax: (614) 540-4100 ● www.osba-ohio.org

The information in *PDQ* is intended as general information and not legal advice. OSBA staff does not render legal advice to members and no attorney-client relationship exists. If specific legal advice is required, we recommend that you obtain the services of an attorney.

OSBA president: **Tawana Lynn Keels**, Princeton City and Great Oaks ITCD

OSBA executive director: **Richard Lewis**, CAE

Editor: **Greta Gardner**, deputy director of policy services

Assistant editor: **Donna Williams**, management development specialist

Layout and design: **Angela Penquite**, communications specialist

*A one-year subscription to PDQ is \$300. For more information, contact Jeannette Radcliff at the address or fax number above or e-mail to [j\\_radcliff@osba-ohio.org](mailto:j_radcliff@osba-ohio.org).*

*PDQ is published quarterly by the Ohio School Boards Association. Postage paid at Westerville, Ohio. Postmaster: Send address changes to: PDQ, Attn.: Mailroom, Ohio School Boards Association, 8050 N. High St., Suite 100, Columbus, OH 43235-6481.*

© 2009 Ohio School Boards Association

*OSBA leads the way to educational excellence by serving Ohio's public school board members and the diverse districts they represent through superior service and creative solutions.*

- SB 311 Ohio Core exemption (RC 3313.603),
- postsecondary enrollment (RC 3313.613 and OAC 3301-44-07).

- Most states have provisions permitting flexibility, but they are not widely used. Interviews revealed that system structures such as testing, scheduling, funding and accountability act as barriers to implementing greater flexibility and learning.
- Although there is evidence that schools, certain models and some states use flexibility to meet the needs of individual students and groups of students, on the whole, Ohio does not record, measure or disseminate these efforts.

### Ohio's plan for credit flexibility

The State Board adopted Ohio's plan for credit flexibility, as proposed by ODE and the Carnegie Design Team, during its March 10 meeting. Ohio's plan:

- offers learning opportunities not found in the one-size-fits-all factory process model;
- focuses on performance, not counting seats and hours;
- acknowledges and addresses students' differing learning styles, paces and interests;
- offers students opportunities to demonstrate creativity, explore academic and career interests, and practice critical thinking;
- recognizes that measures of engagement and ownership are as important for achievement as measurers of attendance and access.

Students will be able to earn high school credit by:

- completing coursework;
- testing out or showing mastery of course content;
- pursuing an educational option, such as a senior project, distance learning, postsecondary coursework, internship, service learning or research-based project;
- any combination of the above.

### What is required?

SB 311 requires all school boards to comply with the provisions of the State Board's credit flexibility plan by adopting board policy (RC

3313.603(J)). Full implementation of the board policy must be reached by the beginning of the 2010-11 school year.

### Guidelines for local board policy

In accordance with state law and State Board guidelines, the district's plan for credit flexibility must:

- identify the multiple methods of communication and frequency of each method the district will use to communicate the aspects of the credit flexibility policy and plan to students and parents on an on-going basis;
- allow for demonstrated proficiency options on an ongoing basis;
- allow for graded options for demonstrated proficiency;
- allow demonstration of proficiency to count towards course requirements for graduation;
- determine credit equivalency for a Carnegie unit;
- prohibit capping or limiting the number of courses or credits earned through credit flexibility;
- allow for both simultaneous credit and/or partial credit to be earned;
- not prohibit access to online education, postsecondary options or services from another district as approved by the school board;
- allow, if desired, for the acceptance of credit from other districts and educational providers;
- establish provisions for instances when students do not or cannot complete requirements;
- establish a review process and submit

data to ODE about the methods and frequency of communication with students and parents. Boards must collect performance data, including the number of participating students, total credits earned and the extent to which student participation reflects the diversity of the student body.

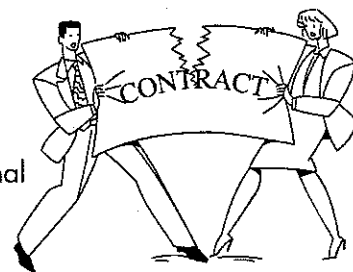
Boards may want to consider maintaining a "library" of courses that were previously accepted to help students, parents and teachers understand available options or those unique to local contexts and regional economic development interests.

### How OSBA can help

Based on the foregoing guidelines, OSBA's policy services department has drafted a model policy and regulation for credit flexibility, copies of which are available electronically. See the back page of this issue of *PDQ* for more information. It is imperative that school administrators develop a plan based upon the policy and regulations to fit the needs and resources of their respective districts. Do not hesitate to contact the author or OSBA's policy services department for assistance with this policy issue.

OSBA also is helping ODE compile information and best practices for an online tool kit to assist districts in implementing credit flexibility plans. Policy services also will be hosting a webinar on credit flexibility in September. The date and time of the webinar will be announced soon.

## OSBA Contract Analysis Service



OSBA provides a cost-effective professional analysis of both certified and classified collective bargaining agreements. These written reviews serve as a critique of current contract provisions, suggest potential pitfalls regarding legal compliance and provide specific recommendations as you go into your next round of collective bargaining.

Contact Van Keating, director of management services, at (614) 540-4000 or (800) 589-OSBA for more information.