

## SUPPORT STAFF PUPIL ACTIVITY CONTRACTS

The Board believes that a varied cocurricular program adds depth and richness to the academic program, teaching skills and life lessons not easily learned in the classroom. The Board also recognizes the importance of positive adult leadership in pupil activity programs.

Nonlicensed/Non-Certificated staff members may be awarded pupil activity contracts. Compensation for the position is at the same Board-approved rate as that paid to licensed individuals.

Any nonlicensed/non-certificated staff member desiring to accept a pupil activity contract must hold a valid pupil activity permit issued under rules adopted by the State Board of Education (SBOE). The Board may terminate or suspend the pupil activity contract if this permit is suspended, revoked or limited by the SBOE.

Pupil activity contracts are limited nonteaching contracts in effect for a term not to exceed one year. The Board provides written notice of nonrenewal on or before June 1 of each year.

The Board approves the positions and the compensation for these assignments. Contracts are awarded by the Board upon the recommendation of the Superintendent. The Board meets all requirements of the Fair Labor Standards Act.

The Board directs the Superintendent/designee to identify those pupil activity contract positions that direct, supervise or coach programs that involve athletic, routine or regular physical activity or involve health and safety considerations. Individuals accepting these contract positions must meet the requirements established by the Ohio Department of Education and State law.

[Adoption date:]

LEGAL REFS.: ORC 3313.18; 3313.53; 3313.539  
3319.081; 3319.083; 3319.303, 3319.39  
3707.52  
OAC 3301-20-01  
3301-27-01

CROSS REFS.: GBQ, Criminal Records Check  
GCBB, Professional Staff Supplemental Contracts  
GDB, Support Staff Contracts and Compensation Plans  
GDKA, Support Staff Extra Duty  
IGD, Cocurricular and Extracurricular Activities  
IGDJ, Interscholastic Athletics  
IICC, School Volunteers

CONTRACT REF.: Support Staff Negotiated Agreement

*NOTE: The board must be aware of four important issues when awarding pupil activity contracts to nonlicensed/non-certificated employees:*

- 1. Although teachers are not subject to the overtime provisions of the Fair Labor Standards Act (FLSA), nonlicensed/non-certificated employees are subject to these provisions. Nonlicensed/Non-certificated employees may be entitled to minimum wage and time and one half for any time worked in excess of 40 hours (including the time spent on his/her regular job assignment). The employee may not decline the rate of pay. Employers are subject to significant penalties for violations of the law. Employees are permitted to volunteer their time and a stipend may be awarded if the value of the stipend does not exceed 20% of what would otherwise have been paid to someone else for the work.*
- 2. Before a qualified nonlicensed/non-certificated individual may be given a first-time pupil activity contract by the district, the board must adopt a resolution stating that it offered the position to licensed employees in the district and no person qualified to fill the position accepted it. The resolution must also state that the board then advertised the available position to any qualified licensed person who is not currently employed by the board. The board has broad latitude in its hiring decisions. Be sure to observe the provisions of district negotiated agreements.*
- 3. The issue remains one of renewal – this is where the statute is unclear. After a nonlicensed/non-certificated person has been granted a pupil activity contract, Ohio Revised Code Section (RC) 3313.53(D)(2) allows the board to renew the contract without first offering the contract to any qualified certificated person and without adopting the resolution required for the initial award of such a contract. RC 3313.53(D)(2) seems to permit a district to renew such a contract for one or more years.*

*However, RC 3313.53(F) limits these supplemental contracts to one year. Therefore, whether multiple-year supplemental contracts for nonlicensed/non-certificated employees are permissible is not clear from the statute. Renewing a supplemental contract for a term not to exceed one year avoids this potential uncertainty.*

- 4. The Ohio Department of Education (ODE) requires that pupil activity permit applicants submit to criminal records checks (RC 3319.303; Ohio Administrative Code Section 3301-27-01). The Ohio High School Athletic Association (OHSAA) requires volunteer coaches to hold pupil activity permits. Accordingly, volunteer coaches must have pupil activity permits and will need to submit to criminal records checks prior to obtaining or renewing said permit.*

#### Concussion Management

*House Bill 143 (effective April 23, 2012) added requirements to State law for concussion management in athletics. The specific requirements are outlined in RC 3313.539. The law states that if districts are subject to the rules of an interscholastic athletic conference, they will be in compliance if the rules of the organization are substantially similar to that of State law. Districts who are part of the OHSAA should already be implementing procedures that are similar to what is now in State law. If your district is not a member of OHSAA, or has sports that are not recognized as OHSAA sports, check with your regulatory organization to ensure compliance with State law.*

*OHSAA has already made a concerted effort to provide educational resources to member schools on concussion management. This information is outlined in the OHSAA Bylaws and sports regulations.*

*Specifically, OHSAA has adopted the following sports regulation:*

*“Any athlete who exhibits signs, symptoms or behaviors consistent with a concussion (such as loss of consciousness, headache, dizziness, confusion or balance problems) shall be immediately removed from the contest and shall not return to play until cleared with written authorization by an appropriate health care professional.” **HB 487 (2014) amended the requirements for who can clear a student to return to practice or play, after the student was removed for exhibiting signs or symptoms of a concussion. The requirements are outlined in RC 3313.539.***

*~~In Ohio, an “appropriate health care professional” shall be a physician, as authorized under RC 4731 and includes both doctors of medicine (M.D.), doctors of osteopathy (D.O.) and an athletic trainer, licensed under RC 4755.~~*

*OHSAA has further defined parameters to guide OHSAA licensed officials, medical personnel and member schools in implementing these guidelines. Information is provided by OHSAA on recognizing signs and symptoms consistent with a concussion. Specific guidelines and expectations for coaches, officials, and students for concussion management are outlined in the OHSAA general sports regulations. Details are additionally outlined in these regulations for when athletes can be returned to play and who is able to decide whether a student is fit to return to practice or competition.*

*HB 143 amended the requirements for the issuing or renewal of a pupil-activity program permit to coach interscholastic athletics. These permits are issued by ODE. To receive a first time permit, each individual must successfully complete a training program that is specifically focused on brain trauma and brain injury management. To renew a permit, individuals must present evidence that they have successfully completed a training program in recognizing the symptoms of concussions and head injuries within the previous three years.*

*OHSAA has a Web page dedicated to sports safety, which includes links to concussion resources. Visit [www.ohsaa.org/medicine/sportssafety.htm](http://www.ohsaa.org/medicine/sportssafety.htm) for more information.*