



**REPORT OF THE POLICY AND EQUITY COMMITTEE**

The Policy and Equity Committee met on Thursday, April 29, 2021, at 9:00 AM, via the Blue Jeans Video Conferencing Tool.

**VIRTUAL ATTENDEES**

Policy and Equity Committee Members

Chairperson Mike Moroski, Eve Bolton, Ben Lindy

Administration

Robin Brandon, Director of Facilities; Paul McDole, Director of Human Resources; Daniel Hoying, General Counsel; Stephanie Scott, Assistant General Counsel

**Board Policies for Board versus Administration**

Committee member Bolton reported that at the last Policy Committee meeting, the Committee discussed the list of Board policies which actually pertain to and guide the work of the Board and not just set parameters for the Administration and teacher. During that discussion, it was decided it would be necessary to review all of the Finance Policies (6000 series) policies.

The 6000s were assigned to the Finance Committee and Treasurer Wagner separated them into the categories of “work” or “philosophy.”

**FINANCE POLICIES – 6000s**

**MORE ABOUT THE "WORK"**

6105	Authorization to Use Facsimile Signature	
6140	Depository Agreements	
6145	Borrowing	
6151	Insufficient Funds	
6231	Appropriations and Spending Plan	
6332	Appropriations Implementation	
6233 ***	Amenities for Participants at Meetings and/or Other Occasions	
6350	Prohibition against Contracting with a Person Whom Unresolved Finding for Recovery	
6424	Use of Purchasing Cards	
6460.01	Vendor Management	
6470	Payment of Claims	
6510	Payroll Authorization	
6520	Payroll Deductions	
6600	Deposit of Public Funds Cash Collection Points	
6610	Student Activity Fund	

6621	Change Fund	
6670	Trust Funds	
6680	Recognition	
6900	School District Records Retention Disposal	

**MORE ABOUT THE "PHILOSOPHY"**

6110	Grant Funds	
6144	Policy Investments	
6150	Tuition Income	
6152	Student Fees, Fines and Charges	
6152.01	Waiver of School Fees	
6210	Fiscal Planning	
6220	Tax Budget Preparation	
6230	Tax Budget Hearing (should be merged with 6220)	
6320	Purchasing of Goods and Services	
6320.01	Determination of Lowest Responsible Bidder	
6320.02	Business Policy	
6320.03	Local Business Enterprise Initiative (Could/Should these be consolidated?)	
6440	Cooperative Purchasing	
6450	Equal and Fair Opportunity in Contract Employment and Business Opportunities	
6460	Policy Vendor Relations	
6700	Fair Labor Standards Act (FLSA)	
6830	Audit	
6835	Audit Committee	
6836	Internal Auditor	

**ACTION:** The Committee will review the Finance Policies (6000s) for discussion at the Policy and Equity Committee meeting on Thursday, May 27, 2021.

**Purchasing and Responsible Bidder Policies – Review**

Dan Hoying, General Counsel, reported that at the March Committee meeting, Committee member Lindy’s proposal for suggested language revisions to responsible bidder policy was discussed. It was determined CPS’ purchasing and responsible bidder policies should be reviewed for updating,

After his initial review of the purchasing policies, Mr. Hoying reported the following:

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| 6320 – Business Policy                               | Suggested revisions included the language proposed by Committee member Lindy, as well as some edits proposed at the March Policy Committee meeting |
| 6320 – Purchasing of Goods and Services              | Suggested revisions  |
| 6320.01 – Determination of Lowest Responsible Bidder | Recommended no changes   |
| 6320.02 – Business Policy                            | Recommended rescinding as all this language is incorporated in Board Policy 6320 – Business Policy   |
| 6320.03 – Local Business Enterprises Initiative      | Recommended no changes   |

Mr. Hoying suggested having the new Diversity and Inclusion Manager review the policies and make recommendations.

He also reported that there is much cleanup to be done with the policies, such as updating all of the identified protected categories, and eliminating references to old resolutions.

Committee member Lindy questioned why “other supplemental training opportunities” was used instead of “apprenticeship program.” Mr. Hoying shared that apprenticeship programs are very specific to unions and supplemental training was used to broaden what has been seen in use by contractors.

Committee member Bolton said it seems there are so many of these policies—some duplicative—and that some of them seem fragmented. She questioned the possibility of merging them.

Mr. Hoying shared that the policies reflect the following concepts that enable CPS to:

- Get a more diverse set of vendors; and
- Hold vendors accountable.

The Committee discussed the need to review all policies through the equity lens.

Committee member Bolton suggested that in the new world of equity, even responsible bidder language can be considered as a form of elitism. Depending on the structure, if there is a long list of requirements, smaller vendors may be eliminated from competing.

Committee Chair Moroski is confident the Administration will develop language that will allow CPS to have both responsible bidder and equity.

**ACTION:** General Counsel will review the relevant policies pertaining to this issue, combine them where appropriate, and strengthen wording for the responsible practices of those with whom we contract. The revised documents will be submitted for review at the Policy and Equity Committee meeting on May 27, 2021.

After review by the Committee, the policies will be submitted for approval by the full Board in June at the earliest, or in August at the latest.

### **Policy 7430 – Risk Reduction Program**

The Policy Committee requested Policy 7430 be revised to make the wording stronger and more effective. Mr. Hoying presented the following additions:

The Board of Education believes that the employees and students of this District, as well as visitors, are entitled to function in an environment as free from hazards as can reasonably be provided. The Board set high environmental standards during the construction and renovation of schools in the Facilities Master Plan and is committed to adding schools to its portfolio that meet those high standards. ~~In this regard and in accordance with law, the Board will provide reasonable protection to the lives, safety, and health of its employees and students, in compliance with Federal and State laws and regulations.~~

Guided by its Environmental Health and Safety department, Cincinnati Public Schools excels in the area of employee and student safety. The Superintendent and designee shall be responsible for the maintenance of standards in the facilities to

prevent accidents and to minimize their consequences. The District shall ensure that employees have the proper safety training to perform their jobs. ~~S/He~~The District shall designate an employee who shall conduct periodic audits of health and safety conditions within the facilities of the District and take appropriate action on any violations and reporting such violations ~~thereof~~ to the Superintendent.

**ACTION:** The Committee agreed with the Administration’s recommended revisions to Board Policy 7430 – Risk Reduction Program and will recommend the policy to the Board for approval at the Regular Board meeting on May 10, 2021.

### **Continued Review of Policies**

Mr. Hoying reported they will be ready to begin a quick and thorough review of the Human Resources policies.

### **Other Business**

#### **In-District versus Out-of-District (OOD) Enrollment for Children of CPS Teachers/Staff**

The Committee discussed the request of a CPS teacher who lives out of district. His child stayed in her school after the move; however she is now matriculating into a high school.

For clarity, Mr. Hoying shared the following information regarding all CPS teachers and other staff:

- If an employee lives in the district, they are entitled to the same priorities as any other in-district resident.
- If the employee lives outside of the district, the District has long allowed and encouraged employees to enroll their children in CPS.
- Prior to 2015, the District had a policy that required OOD residents to pay tuition, but CPS employees were offered the benefit to enroll their children free of tuition. However, the priority of where the employees fell in line for enrollment has not changed. The policy has always been if you are an OOD employee, you have the same enrollment priorities as other OOD residents.
- *Section 700.x – Tuition Waivers* of the Collective Bargaining Agreement (CBA) has been the same for many years and states: “...*The same enrollment and application procedures, including deadlines, as those applied to other non-resident pupils shall be in effect...*”
- In 2015, CPS became an Open Enrollment District and stopped charging OOD residents tuition. In-district residents continued to have the greater priority.
- The practice has not always been as committed as now to ensuring in-district students have priority. In the past, schools would make exceptions for staff members, but that is a practice and not policy.
- Due to an Ohio Department of Education (ODE) audit finding, the District has been under review to ensure that in-district residents have first priority always.

Mr. Hoying reported that it is not illegal for CPS to change the policy, but what is required is for the policy to be followed.

**ACTION:** General Counsel will meet with the CPS teacher who lives out of district and share the background information, as shared with the Committee, and expand on the differences of the CPS policies, the CBA, and past practices.

**ACTION:** Committee Chair Moroski will share this information for discussion with the full Board (through the Policy and Equity Committee report) during the regular Board meeting on May 10, 2021.

### Ohio Principal Evaluation System (OPES)

CPS will participate in the first year of OPES and the Policy Committee will have to review and approve any necessary policies.

**ACTION:** General Counsel Hoying will prepare drafts of any necessary policies for review at the Policy and Equity Committee meeting on May 27, 2021.

### Required COVID-19 Vaccinations

Stephanie Scott, Assistant General Counsel, reported to the Committee that the U.S. Equal Employment Opportunity Commission (EEOC) has released guidance recently that said employers can require a COVID-19 vaccine.

If the mandate is imposed, there are just two exceptions based under disability or religious exemption. The religious exemption would have to be for a deep value, and couldn't be based on political reasons. Also, whether or not there is a vaccine mandate, the employer could still also ask for proof of vaccination, and that information would be required to be kept confidential.

Committee member Bolton suggested requiring the vaccine is a reasonable request for employers who are running schools. It would be for the safety of both the students and the community considering the number of people gathering at the schools on a daily basis.

She suggested it may be controversial, and believes there is a need to have it in place in order to give advance notice to current employees, as well as new hires. All should be aware that it is a requirement.

In response to Committee Chair Moroski's question regarding a similar requirement or guidance for students, Ms. Scott reported that she had not seen where schools are starting to do that yet.

**ACTION:** The Administration will draft a policy or amend current policy regarding staff receiving vaccination as a mandatory action (with exemptions) for review at the Policy and Equity Committee meeting on May 27, 2021.

**ACTION:** Ms. Scott will continue to research vaccination requirements regarding students.

### Board Policies for Board versus Administration

**ACTION:** The Committee will review the list of policies for Philosophy versus the Work in order to pare down the list. The philosophy items may impact budget decisions, so it is necessary to look more carefully at ones the Board is committed to moving the District forward.

### Out-of-District Transfers

Mr. Lindy shared with the Committee information from a 2017 Fordham Foundation study regarding school districts that accept out-of-district transfers.

Committee Chair Moroski said when he first was elected to the Board he met with Mr. Hoying and discussed this topic. He highly recommended Mr. Lindy schedule time to meet for this information.

The Committee discussed some of the reasons why some districts choose to accept out-of-district transfers and why some districts choose not to do so.

Anti-Racism Policy

Mr. Hoying reported that he, Ms. Scott, and Ms. Bolton presented the Anti-Racism policy at the LSDMC Districtwide meeting on April 28, 2021. He said it was well received.

Hearing the Public

There were no speakers for Hearing the Public.

The meeting adjourned at 10:14 a.m.

Policy Committee

Mike Moroski, Chair  
Eve Bolton  
Ben Lindy

Staff Liaisons

Dan Hoying, General Counsel  
Paul McDole, Director, Human Resources