OHIO LOCAL UPDATE OVERVIEW AND COMMENTS

VOLUME 43 NUMBER 1

We are going to break this update down into several groups. The first group will be the Bylaw changes in in the 0100s. These are mainly a rearrangement of current polices and rescinding others that are included in new/revised policies. It deals with the Board and how it conducts business from the way meetings are conducted to the organization of the Board itself.

BYLAWS AND POLICIES

Bylaw 0100 - Definitions (Revised)

This bylaw has been revised to update the definition of personal communication devices (based on R.C. 3313.753) and President, and to ensure the definitions of President and Vice-President accurately cross-reference Board Bylaw 0152 - Officers. Also, as the treasurer is statutorily required to take meeting minutes, there is no secretary role.

Bylaw 0142.1 - Oath (Revised)

This bylaw has been revised to consolidate provisions addressing the oath of office (optional provision moved from Bylaw 0152 - Officers) and to include cross-references to other relevant bylaws. The intent of these changes is to improve the ease of use of these bylaws and promote consistency in how they are implemented. Also, we have added "and impartially perform" to the commitment supported by the oath of office.

Bylaw 0151 - Organizational Meeting (Revised)

This bylaw has been revised to consolidate and align provisions addressing actions taken at the organizational meeting, including cross-references to other relevant bylaws. The intent of these changes is to improve the ease of use of these bylaws and promote consistency in how they are implemented.

Bylaw 0152 - Officers (Revised)

This bylaw has been revised to consolidate and align provisions addressing the election of officers (materials moved from Bylaw 0173 - Board Officers), and to include cross-references to other relevant bylaws. Materials addressing the annual organizational meeting have been incorporated at Bylaw 0151. Item C, addressing the secretary role has been deleted. As the treasurer is statutorily required to take minutes, there is no secretary role. Finally, we have deleted the language about what happens if there is not a majority vote on the first nomination. Roberts

Rules of Order simply dictate that you continue nominating individuals until someone wins the majority vote. The overall intent of these changes is to improve the ease of use of these bylaws and promote consistency in how they are implemented.

Bylaw 0155 - Committees (Technical Correction)

Technical correction to cross reference to Bylaw 0167.2 - Executive Session.

Bylaw 0163 - Presiding Officer (Technical Correction)

Technical correction to cross reference to Bylaw 0152 - Officers.

Bylaw 0164 - Notice of Meetings (Revised)

The bylaw has been updated to reflect current practice. We recommend you review and follow this bylaw closely.

Bylaw 0165 - Board Meetings (New)

This new Bylaw consolidates content regarding board meetings formerly found at Bylaw 0165.1 - Regular Meetings and Bylaw 0165.2 - Special Meetings. Also, the optional provision addressing Emergency Meetings has been organized into an optional paragraph. Please note, content addressing agendas and consent agendas have been moved to Bylaw 0166 - Agendas. Finally, content regarding Emergency Meetings, which was previously optional, has been included in the policy permanently, so the district is prepared under such circumstances.

Bylaw 0165.1 - Regular Meetings (Rescind)

This bylaw has been rescinded, and its material consolidated at Policy 0165 - Board Meetings.

Bylaw 0165.2 - Special Meetings (Rescind)

This bylaw has been rescinded, and its material consolidated at Policy 0165 - Board Meetings.

Bylaw 0166 - Agendas (New)

Content addressing Executive Session has been renumbered/moved unchanged to Bylaw 0167.2. It has been replaced with this content addressing agendas taken from Bylaw 0165.1 - Regular Meetings (now Bylaw 0165 - Board Meetings). Again, these changes have been made to improve the ease of use of this manual and promote consistent Board operating procedures.

Bylaw 0167.2 - Executive Session (Renumbered)

The content of this bylaw was renumbered/moved unchanged (with the exception of miscellaneous grammatical corrections) from Bylaw 0166 - Executive Session. The content it replaced, Use of Personal Communication Devices, was renumbered to Bylaw 0167.7.

Bylaw 0167.7 - Use of Personal Communication Devices (Renumbered/Revised)

The content of this renumbered/revised bylaw is from Bylaw 0167.2 - Use of Personal Communication Devices. The content has been updated to reflect current definitions and policy related to PCDs and District technology resources.

Bylaw 0173 - Board Officers (Rescind)

This bylaw is rescinded, and all content related to Board Officers is now found at Board Bylaw 0152 - Officers.

This next section provides information on various policies that need to be updated.

Policy 2265 - Protections of Individual Beliefs, Affiliations, Ideals, or Principles of Political Movements or Ideology (New)

This new policy should be adopted to meet the requirements established in H.B.214. We have discussed some of these provisions previously and had planned to approve this policy by itself based on what we thought was a legal timeline. The only thing we did with this policy from the suggested language was to include language saying that any violation will be handled in accordance with the collective bargaining agreement and other legal provisions

Policy 2413 - Career Advising (Reviewed)

This policy is to due to be reviewed. We are required to affirm this policy every other year I believe. We are up to do it this year. There are no changes.

Policy 4121 - Criminal History Record Check (Revised)

This policy has been revised to make it clear that enrollment in Rapback is not optional since employees must themselves enroll with the State Board and may need to get a new background check. We have been enrolling staff members in Rapback, particularly classified staff who do not have professional licenses maintained by DEW.

Policy 5136.01 - Electronic Equipment (Revised)

This policy has been revised to address accessing and monitoring of certain features on school-issued devices. This has been amended to account for the changes made in the original SB 29 as well as the revisions to that law passed in December. The district will be required to make sure all contracts are consistent with provisions of the law and available for inspection.

Policy 5200 - Attendance (Revised)

This policy has been revised to comply with HB 214. Schools are required to allow three religious expression days. Schools are also required to adopt a policy that prohibits a district from compelling political or ideological beliefs, using statements of commitment to political/ideological beliefs to evaluate employees for hiring, using statements to commit to political/ideological beliefs as part of academic evaluation of students.

Policy 5500 - Student Conduct (Revised)

This policy has been revised to include provisions addressing academic honesty and optional provisions addressing use of artificial intelligence (AI).

We reviewed this and other sister policies in this update with the admin team. The goal was to keep language broad enough to adapt to changes in AI while providing some guardrails for its use. This will be one of the biggest challenges for staff in the coming years.

Policy 5780 - Student/Parent Rights (Revised)

Schools are required by SB 29 to provide parents and students with an opportunity to inspect a complete copy of each technology provider contract. Because these contracts are typically public records, it is reasonable to treat requests to inspect contracts in the same way you handle other public records requests. The statute provides that parents and students have a right to inspect contracts, not necessarily to receive copies. That said, it is often easier to send electronic copies if a request is made. Districts should be consistent in how they respond to these requests. Any redactions required by law should still be made. Districts may also elect to post the contracts in a central location or provide links to the contracts in their electronic notice.

Policy 6220 - Budget Preparation (Revised)

This will require some discussion as we consider whether or not to have a cash balance policy moving ahead. Such a policy would set a minimum number of true days cash before considering new operating funds or budget reductions. It would also set a ceiling where a spend down plan would be required.

As a cautionary note. Floors and ceilings may be nice guides, but they should never supplant the judgment of the Board and Administration. Ceilings and floors cannot take into account future

trends, legislative meddling in school finance, or other potential head/tail winds. Discretion should always be in your hands. That is why you are elected, and why you hire a Treasurer and Superintendent. However, should the county Budget Commission begin considering these balances before levying taxes, this would force action.

Policy 6320 - Purchasing and Bidding (Revised)

This policy has been revised to reflect the new competitive bidding threshold established with SB 168. The bidding threshold for 2024 is $75,000. It will increase by 3% every year as determined and published by the Director of Commerce. We have eliminated a hard number and replaced it with language stating that we will use the threshold amount set and published by the Ohio Director of Commerce.

Policy 6460 - Vendor Relations (Revised)

This policy has been updated to incorporate new requirements adopted through Senate Bill 29. The bill establishes a number of restrictions and requirements for technology providers that contract with a school district to provide school-issued devices for student use and create, receive, or maintain educational records pursuant to its contract with the District. The bill also requires that the District will provide parents and students with direct and timely notice by mail, electronic mail, or another method of direct communication of any contracts the District has with a provider of curriculum, testing or assessment technology that affects a student's educational records. This notice is a new requirement adopted through Senate Bill 29 (135th General Assembly), which took effect October 24th, 2024. Since the bill's effective date did not occur until after August 1, 2024, it is reasonable to conclude that Districts are not required to send the notice for the 2024-2025 school year. However, all Districts should be prepared and ready to send the notice by August 1, 2025.

Policy 7530.01 V1 - Cellular Telephone Allowance (Replacement)

This policy has been updated and now reflects the definition of personal communication devices established in Bylaw 0100 - Definitions.

Policy 7530.02 - Staff Use of Personal Communication Devices (Revised)

This policy has been updated and now reflects the definitions of personal communication devices and technology resources established in Bylaw 0100 - Definitions. It also puts into policy requirements for staff to preserve public records on their personal cell phones/devices related to work. For example, when I retire I will maintain text messages that could be considered public records.

Policy 7540.03 - Student Technology Acceptable Use and Safety (Revised)

This policy has been revised to reflect the updated definitions provided in Bylaw 0100 - Definitions, to update and align content addressing AI, and to reference notice requirements instituted by SB 29. Again, in this policy we tried to provide some flexibility to adapt to future expansion of AI.

Policy 7540.04 - Student Technology Acceptable Use and Safety (Revised)

This policy has been revised to reflect the updated definitions provided in Bylaw 0100 - Definitions, to update and align content addressing AI, and to reference notice requirements instituted by SB 29. Similar language adaptations for staff.

Policy 7540.09 - Artificial Intelligence ("AI") (New)

This policy has been added to address the use of artificial intelligence (AI) by district staff and students. We anticipate that this policy will evolve as this tool evolves.

Policy 8310 - Public Records (Revised)

This policy has been revised to note that educational support services data are not included as public records as defined by 3319.32. Staff who assist the district in responding to public records requests should be made aware of this new public records exemption. If an individual who is not requesting records on behalf of OOD submits a public records request for these records, the request should be denied and the new provision of the law should be cited as the basis for the denial. The specific citation is R.C. §149.43(A)(1)(tt).

Policy 8500 - Food Services (Revised)

This policy has been revised to make this policy stronger and even more closely aligned with various Code of Federal Regulation provisions. We had to alter this policy in the areas of accommodations, meal charges, and bad debt. We made sure our policy is aligned to our practice which is to not stigmatize students who do not have money on their lunch account, and to make sure they have access to a meal.

We have cleaned this version up and provided it to Adam to upload for our Food Service Audit with the notation that it is pending Board approval. Should the Board wish to make changes, it will be modified and replaced with DEW.

Policy 9160 - Public Attendance at School Events (Revised)

This policy has been revised to reflect changes adopted by the legislature in HB 147 impacting the cost of admission for school-affiliated events, including discounts for students enrolled at the schools participating in the event.

This is the last section on changes to Uniform Grant Guidance

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VOLUME 43 NUMBER 1 - UGG/EDGAR REVISIONS

This entire section deals with Uniform Grant Guidance regulations. The list of policies this impacts are listed at the end of this section. There are not many choices in these policies as we are required to follow the policies or risk access to federal funds administered through the Depart of Education and Workforce – DEW (formerly ODE).

This UGG/EDGAR Revisions Update is issued to Neola Clients in response to the April 2024 release of revisions to the Uniform Grant Guidance regulations.

The Office of Management and Budget ("OMB") revised several parts of the OMB Guidance for Grants and Agreements, now called the OMB Guidance for Federal Financial Assistance, located in Title 2 of the Code of Federal Regulations ("CFR"). When the Office of Management and Budget ("OMB") officially released revisions to the Uniform Guidance all Federal agencies, including the Department of Education ("ED"), were to ensure the 2024 revisions were effective for all Federal awards issued on or after October 1, 2024. However, per ED's guidance, recipients of Federal fiscal year 2024 State-administered formula grants (such as Title I and IDEA-B) issued on or after July 1, 2024, could implement the revised 2024 Uniform Guidance effective July 1, 2024, provided that they have revised any applicable State policies and procedures.

The Ohio Department of Education & Workforce ("DEW") has indicated that July 1 is the 2024 Uniform Guidance revision's effective date.

For Federal grants issued prior to July 1, 2024, and the close-out spending and reporting, the earlier regulations and policies should remain in effect through September 30, 2024, unless notified otherwise by the awarding agency or DEW.

OMB revised its guidance and the regulations in 2 C.F.R. for the purpose of:

- incorporating statutory requirements and administration priorities;
- reducing agency and recipient burden;
- clarifying sections that recipients or agencies have interpreted in different ways; and

- rewriting applicable sections in plain language, improving flow, and addressing inconsistent use of terms within the guidance.

OMB's revisions are intended to improve Federal financial assistance management, transparency, and oversight through more accessible and easily understandable guidance.

Neola has conducted a thorough review of policy and administrative guideline templates and is providing appropriate revisions and additions in this special update to assist districts in meeting compliance standards put forth by OMB. Policy documents in this special update have been reviewed by Brustein & Manasevit, PLLC Attorneys at Law, and by Ennis Britton Co., L.P.A. for consistency with Federal and State law, respectively.

Significant work, however, will be necessary for each district to draft and/or revise the required procedures for a variety of functions. Neola will, upon request, process and post districts' procedures/manuals as electronic links to provide for convenient flow from policy to administrative guidelines to district procedure.

This Update includes the following documents:

Policy 1130/3113/4113 – Conflict of Interest

Policy 6110 – Grant Funds
Policy 6111 – Internal Controls
Policy 6112 – Cash Management of Grants
Policy 6114 – Cost Principles – Spending Federal Funds
Policy 6325 – Procurement – Federal Grants/Funds

Policy 7310 – Disposition of Surplus Property
Policy 7450 – Property Inventory