

Legal Update

April 2022

Sunshine Law Training

It's spring, which means it's time again to think about getting trained on Ohio's Open Meetings and Public Records laws!

All Ohio community school board members, the designated fiscal officer of the school, the chief administrative officer and all individuals performing supervisory or administrative services for the school (even if employed by the operator) must complete training on an annual basis on the public records and open meetings laws.

Amy Goodson Co., LLC can present these trainings for your board. We are offering 2 Zoom trainings this month:

April 12th at 6:00 PM
April 25th at 6:00 PM

Contact Becky Enz to join these sessions or arrange others:
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This Edition

Transportation
Updated COVID Reporting

Virtual Meetings – House Bill 51

House Bill 51 allow public bodies such as community schools to meet virtually through June 30, 2022.

This temporary adjustment to Ohio Open Meetings Act's requirement that members of a public body must attend in-person to count toward quorum and voting mirrors the previous law passed earlier in the COVID pandemic. Under HB 51 members of bodies such as community school boards may hold and attend meetings by teleconference, video conference, or any other similar electronic technology.

If your board decides to use the temporary law and hold meetings by phone or video conference, you can establish quorum by board members participating in any combination of in-person or virtual attendance. For example, if your board consists of five members, two members could be in-person at the school and one could dial in by phone.

It is important to note that all other requirements of the Open Meetings Act are still in effect.

Public bodies are still required to provide notification of meetings as under permanent law: "by reasonable methods by which any person may determine the time, location, and the manner by which the meeting or hearing will be conducted".

The public must be provided access to the meeting in a manner "commensurate with the method in which the meeting or hearing is conducted." The bill provides examples of public access mediums such as livestreaming by means of the internet, local radio, television, cable, or public access channels, call in information for a teleconference, or by means of any other similar electronic technology. The public body must ensure that the public can observe, when applicable, and hear the discussions and deliberations of all the members of the public body, whether the member is participating in person or electronically.



Updated COVID Case Reporting

As COVID-19 cases and hospitalizations in Ohio and across the country have been dramatically decreasing recently, the Ohio Department of Health updated systems to monitor community spread in alignment with the Centers for Disease Control and Prevention (CDC).

One of the changes is a shift from ODH's daily reporting of numbers of cases, hospitalizations, and vaccinations to the public to weekly reporting.

In line with this shift, schools are no longer required to maintain a COVID-19 reporting system for parents to report positive cases.

Similarly, schools no longer must notify parents of positive COVID-19 cases among staff, students, or coaches.

Schools no longer need to have a designated COVID-19 coordinator and are not required to report positive cases of COVID-19 to their local health department unless the school itself tests a student for COVID-19 and the result is positive.

Though, these numerous reporting requirements have been lifted, the Ohio Department of Health continues to recommend that K-12 schools follow "Mask to Stay, Test to Play," protocol for quarantine and isolation.

Mask to Stay, Test to Play advocates in-person learning by allowing any student exposed to COVID-19, but not testing COVID-19 positive or symptomatic, to remain in school while appropriately and consistently wearing a mask.

Schools are encouraged to still work closely with local health departments to monitor community spread. Additionally, schools are encouraged to remind students and parents of mitigation strategies that help reduce transmission of all infectious diseases, including COVID-19 and the flu.

Q & A

Q: What can our school do to help ensure students get bussing?

A: To ensure your school's students receive transportation services from their resident school districts, your school must provide relevant school districts with your school's 2022-2023 school year daily start and end times by April 1, 2022.

After timely receiving your school's information the school district must use that information to develop a

plan with schedules and routes. This transportation plan must be provided to your school within sixty days of receiving your start and end times. If your school does not meet the April 1st deadline district responsibility falls from an obligation to simply making an attempt to make a plan. Thus, it is important that your school submits the required information timely.

If your school is not going to use district transportation and rather provide your own, please consult legal counsel regarding requirements.

Updated CDC School Bus Masking Rules

Effective February 25, 2022, the Centers for Disease Control and Prevention exercised its enforcement discretion to not require people to wear masks on buses or vans operated by public or private school systems, including early care and education/child care programs.

The CDC made the change to align with updated guidance that no longer recommends universal indoor mask wearing in schools in areas with a low or medium COVID-19 community risk level.

School systems at their discretion may choose to require that people wear masks on buses or vans.

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