



Legal Update


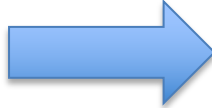
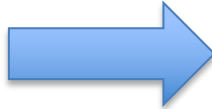


Disclaimer

- OSBA attorneys provide legal information, but do not give legal opinions or advice.
- Consult with your board's counsel if you require specific legal advice.
- OSBA members may call the division at (855) 672-2529



Valuable Legal Resources

- OSBA home page 
- Hover over the “Services” button 
- Click on “Legal Services” 
- On the left-hand side click on “Resources by Topic”



Continual Updates

RESOURCES BY TOPIC

▼ Services

- ▶ Communication Services
- ▶ Diversity & Equity Consulting Services
- ▶ Financial Services
- ▶ Insurance Programs

▼ Legal Services

- External Resources
- Legal Assistance Fund
- The Legal Ledger
- Legal Limelight

▼ Resources by Topic

- Academic Distress Commissions
- Adult Students, Emancipated Minors and Unaccompanied Youth
- Attendance and Tuition
- Board Vacancies
- Campaign Finance
- Candidacy
- Competitive Bidding

Student Resources

- [Adult Students and Emancipated Minors](#)
- [Attendance and Tuition](#)
- [Credit Flexibility Tool Kit](#)
- [Discipline](#)
- [Diverse Student Learners](#)
- [Grandparent Caretaker Law](#)
- [Home Instruction](#)
- [Military Children](#)
- [Nutrition Tool Kit](#)
- [Student Records](#)
- [Special Education Law](#)
- [Student Athletics](#)
- [Truancy](#)
- [Work Permits](#)

Board Member Resources

- [Academic distress commissions](#)
- [Board compensation](#)
- [Board vacancies](#)
- [Campaign Finance](#)
- [Candidacy](#)
- [Collective Bargaining](#)
- [Education Foundation](#)
- [ESC Redistricting](#)
- [Ethics](#)
- [Fees](#)



HB 51

- HB 51 is nearly identical to the language that appeared in HB 197 and HB 404.
- HB 51 was passed by the General Assembly with an emergency clause, meaning the effective date was February 17, 2022.



HB 51

- School board members may hold and attend meetings and may conduct and attend hearings by means of teleconference, video conference or any other similar electronic technology.
- Expires June 30, 2022.



HB 51

- <https://www.ohioschoolboards.org/blogs/legal-ledger/hb-51-authorizes-virtual-board-meetings-again>
- Must provide notification of their virtual meetings and hearings to the public, to the media that have requested notification, and to the parties required to be notified of a hearing.
- Must provide the public with access to their virtual meetings



Current Hot Topics on the Legal Hotline

- Superintendent and Treasurer evaluations and non-renewal questions
- Conflicts of Interest for new board members
- Public participation at board meetings



Superintendent and Treasurer evaluations

- OSBA's workshop on Thursday, February 24, 2022 at 6 pm.
- <https://www.ohioschoolboards.org/events/view/valuing-evaluations-webinar>



Conflicts of Interest

- Resource by topic then to Ethics

ETHICS

[View](#)[Edit](#)[Revisions](#)

Ohio laws set forth a number of ethical standards for most public officials, including school board members, school district employees and members of school district financial planning and supervision commissions. There are three primary sources of ethical standards that apply to school officials. Ohio Revised Code (RC) Chapter 102 is the Ohio Ethics Law that applies to all public officials. A second source is criminal statutes, such as RC 2921.42 and 2921.43, which are also of general applicability. Finally, there are two statutes, RC 3319.21 and 3313.33 that apply specifically to school board members.

[Ohio Ethics Commission article, March 2016, *Nepotism: Bad idea, illegal practice*](#)

[OSBA Journal article, December 2002, *Holiday gifts: 'Tis better to give than receive*](#)

[OSBA Journal article, December 2006, *Ethics laws: Don't take the ham\(s\)!*](#)

[OSBA Journal article, February 2010, *Ethics issues new board members must know*](#)

[OSBA Journal article, February 2013, *Legal bytes – current hot topics in cyberlaw*](#)

[OSBA Journal article, June 2015, *Social media, schools and the law*](#)

[OSBA Journal article, April 2017, *All in the family: Nepotism in Ohio*](#)

[OSBA Journal article, April 2019, *Can a board member also be a district coach?*](#)

[Briefcase, October 2010, *What you need to know about ethics law and accepting gifts*](#)

[Policy Development Quarterly, August 2008, *A summer ethics refresher*](#)

[Search for Ohio Ethics Commission Advisory Opinions](#)

[Digest of Ohio Ethics Commission Fact Sheets](#)

[The Ohio School Ethics Guide \(available for purchase\)](#)



Public Participation

- <https://www.ohioschoolboards.org/sites/default/files/uploads/OSBAPublicParticipationBoardMeetingsFactSheet.pdf>



Public Participation

Boards of education are not required to allow public participation, but most boards do.

- If they allow it, boards of education **may** regulate the time, place, and manner of public participation.
- The board cannot regulate the identity of speakers or the content of speech.
- Many boards use their minutes to list the names of those who spoke during public participation and the nature of their comments.



Public Participation

Examples of common time, place and manner restrictions:

- When members of the public will be allowed to address the board in the meeting
- Regulating the time period for comments
- Requiring public speakers to sign up before speaking
- Requiring comments be confined to agenda items



Public Participation

Be cautious of the following restrictions:

- Negative viewpoints about school district business (viewpoint)
- Mentioning names of employees or board members (content)
- Restricting certain speakers with a track record (identity)
- OSBA has a sample public participation policy (KD/BDDH)



Connect with us!

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