

Legal Update

December 2023/January 2024

End of the Calendar Year Reminders

Though your school's fiscal year runs from July 1st through June 30th, some calendar year end dates are worth noting.

If your board's sponsor contract is due to expire June 30, 2024 and you do not wish to renew with that sponsor, you must notify your sponsor by December 31st. Your sponsor should be notifying you soon whether they have elected to renew. By law, they must notify you by January 15th.

Similarly, if your board contracts with an operator and your management agreement expires June 30, 2024, the agreement may require 180 days or 6 months' advance notice of your intent to non-renew so that automatic renewal provisions do not take effect. If that is the case for your board, you may wish to notify your current operator by December 31st of your intent to non-renew so that you preserve your right to change operators if desired or negotiate new terms with the same operator.



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Sunshine Law Training Requirements Fy24 - Update

In the fall of 2021 the Ohio Auditor of State issued a Bulletin 2021-007 stating the annual public records and open meetings laws training for community school officers and administrative employees must be training that is certified by the Ohio Attorney General. The Bulletin initially stated that auditors would audit for compliance with this "requirement" beginning last fiscal year - FY2023.

Our firm collaborated with other charter school attorneys across Ohio to request that the AOS not implement this auditing standard because it was erroneous. We explained that the Bulletin's interpretation of the law is inaccurate, unequally applied as compared to other public officials, and highly confusing. We argued that the law referenced in the Bulletin pertains to "elected" officials, which community school board members are not. We explained that Ohio law has a separate training requirement applicable to community school officials which includes the identical topics and is, in fact, more demanding in nature as it requires training annually.

In response to our letter, the AOS delayed implementation of the interpretation until this fiscal year. While several sponsors across the state worked to change the law to clarify what training is required of community school officials and to implement a fair and reasoned approach, as of now the law remains unchanged and auditors are being instructed to audit this year for the "certified" training.

The only "certified" trainings can be found:

on the AOS website [here](#).
and the Attorney General's website:
<https://www.ohioattorneygeneral.gov/Legal/Sunshine-Laws/Sunshine-Law-Training>

While our firm still highly disagrees with the AOS interpretation, because your school will be audited for compliance, we suggest you begin the training sooner rather than later as it takes 3 or more hours to complete.





Reading Achievement Plan v. Reading Improvement Plan

Two often confused items a community school board may hear about this time of year is a Reading Achievement Plan and/or a Reading Improvement Plan. (No wonder with the very similar terminology!)

Reading Achievement Plans are required to be submitted to the Department of Education and Workforce by December 31st each year if for two consecutive years:

(1) the school received a performance rating of less than three stars for the early literacy component on the LRC;

and

(2) 50% or less of the school's students scored proficient on Ohio's State Test for grade 3 English Language Arts.

Your school will have been notified by DEW if it is required to submit a plan, but the list of school's required to do so can be found [here](#).

DEW provides a template for Reading Achievement Plans and advised that the recommended length for Reading Achievement Plans for K-3 should be around 25 pages in length and pre-K through grade 12 plans should exceed 25 pages.

Reading Improvement Plans are required when fewer than 80% of a school's students score proficient or higher on Ohio's State Test for grade 3 English Language Arts.

Reading Improvement Plans are not required to be submitted to the state. However, a school's board must approve the plan before beginning implementation.

Boards determine the deadlines, format, and approval criteria for Reading Improvement Plans. Boards also determine the parameters for previous plan updates.

Q & A

Q: What is the latest on the implementation of the Department of Education and Workforce (DEW)?

A: While the underlying lawsuit is still pending alleging that the implementation of the new DEW is unconstitutional, the associated temporary restraining order expired. Thus, the department is in place operationally and transition efforts from the former state board-controlled Department of Education are underway.

As permitted under the new law encompassed in the budget bill, the Governor appoints the Director of the Department who then will appoint two deputy directors. Governor DeWine named Steve Dackin whose nomination must be confirmed by the Ohio Senate prior to the position taking effect.

Mr. Dackin served as state superintendent for less than 3 weeks in 2022 when he was hired for the position but resigned amid ethics allegations because he served on the state board during the hiring process.

Happy Holidays!

The team at Amy Goodson Co. wishes you very happy holidays!

We are grateful for the opportunity to have worked with you this past year.

We look forward to our continued work together in 2024.

Our best,
Becky
Amy
Carlena
Angelina



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