



## **REPORT OF THE POLICY AND EQUITY COMMITTEE**

The Policy and Equity Committee met on Thursday, May 27, 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**

Sarah Brody, Director of Talent Management; Daniel Hoying, General Counsel; Trina Levins, Director of Fiscal Services, Paul McDole, Director of Human Resources; Stephanie Scott, Assistant General Counsel

### **Strategic Plan Strategies / Budget 2021-2022 (Board Assignment)**

At the Committee of the Whole meeting on May 19, 2021, Treasurer Wagner presented the current status of the General Operating Budget FY22.

As previously decided by the Board, each Board committee is to review budget information as presented through the lens of each Committee's purpose and then provide any feedback.

Committee member Bolton stated that the Policy and Equity Committee is expressly charged with the equity piece and that it is important to ensure funding for providing equitable access.

The Committee discussed the following:

- Ensuring the position of the Diversity and Inclusion Manager and the office is fully funded and that the necessary staff, support, and materials are provided.
- Considering other offices being merged with the Office of Diversity and Inclusion to promote the Anti-Racism and Equity policies.
- Creating customized learning and customized professional development to provide equity to students and staff.
- Subsidizing Wi-Fi not just because of COVID, but now on a daily basis will need to continue.
- Expansion of the role of the Cincinnati Digital Academy.
- Individualized Education Plans (IEPs) for all students.

### **Board Policies for Board versus Administration**

Committee member Bolton reported that the 6000s were assigned to the Finance Committee and that the Treasurer and Director of Internal Audit reviewed them for the categories of "work" or "philosophy."

The only recommended change was to move Policy 6460.01 – Vendor Management from “work” to “philosophy.” Ms. Bolton stated that this concludes the review of the 6000 series.

**Committee of the Whole**

At the Board’s regular meeting on April 26, 2021, the Policy and Equity Committee was assigned to review and revise the Board Bylaws to include and define the role of the Committee of the Whole.

**ACTION:** General Counsel will revise the Board Bylaws to include and define the role of the Committee of the Whole. The draft revisions will be presented for review at the Policy and Equity Committee meeting on Thursday, June 24, 2021.

**Ohio Principal Evaluation System (OPES)**

Sarah Brody, Director of Talent Development, reported that CPS is moving to the OPES 2.0 principal evaluation model for the 2021- 2022 school year. This shift supports CPS’s commitment to develop a more aligned and effective principal pipeline.

Ms. Brody presented the below table, which demonstrates that taking the opportunity to move now to OTES 2.0 (instead of in the 2022-23 school year) allows CPS to more quickly and nimbly align the work to grow and develop great school leaders to the Ohio Principal Standards and to TES 2.0.

OPES 1.0	OPES 2.0
50% rating based on principal performance rating determined from:  A professional growth plan Two 30-minute observations Walkthroughs  50% rating based on student growth measures	100% rating based on principal performance rating determined from:  A professional growth plan Two 30-minute observations Walkthroughs
Student data is heavily weighted in the evaluation process, separately.	Student data is built into the overall rubrics and is not a separate entity.
Rubrics have a limited alignment with standards	Rubrics are aligned to the Ohio Principal Standards
Limited alignment to TES 2.0	Alignment to TES 2.0 in ratings and standards

Committee member Bolton questioned if OPES 2.0 is a match to CPS policy language.

Mr. Hoying reported that much of CPS Policy 1530 – Evaluation of Administrators has to do with technical requirements. The important piece that has changed is that while OPES 1.0 dictated that 50 percent of a building administrator’s evaluation was based on student growth measures, OPES 2.0 has those growth measures embedded within the rubric. It is still considered but not in the rote way as in OPES 1.0.

Ms. Bolton questioned if there was the same amount of affiliation with OPES 2.0 as there was with OTES 2.0. She would like to see in the policy more of the specifics regarding the OPES 2.0 framework.

Mr. Hoying reported that CPS works to have all evaluations aligned to state standards. He will review again and add more of the OPES 2.0 language and state law to the policy.

**ACTION:** General Counsel will make changes to Policy 1530 – Evaluation of Administrators for review at the Committee meeting on Thursday, June 24, 2021.

**Policy for COVID-19 Vaccine Requirement for Employees**

Stephanie Scott, Assistant General Counsel, presented to the Committee the draft COVID-19 Vaccine Requirement for Employees.

She reported she was unable to find a public school district that has instituted this mandate yet. There are several colleges that will do so for the fall, and this draft policy is pretty similar to those. The draft language was created based on EEOC guidelines and some best practices in general in the industry for private employers.

She wanted the Committee to be aware that if CPS decides to move forward with the policy, it may be one of the first public school districts.

Committee member Bolton thought the draft was a good start, and questioned the use of the word “employees” and whether or not it should be limited to just employees and not all who are in CPS buildings and have contact with students and staff.

Committee member Lindy questioned if there could be potential healthcare privacy issues, and if the policy would be controversial.

In response to Mr. Lindy’s first question, Ms. Scott reported that employers are legally permitted to request the information and are required to keep the information confidential.

Ms. Scott discussed the following pros and cons of the policy in response to Mr. Lindy’s second question:

Pros:

- Safeguard the health of students and staff
- Provides healthy environment
- Limits some of the quarantining
- Provides stability to work force

Cons:

- Religious or health reasons/exemptions
- May have to accommodate for staff loss (those who do not want vaccine)
- Possible union issues – may need to be negotiated

The fact that this is probably a new, precedent-setting policy, Mr. Hoying stated that it is important to know what CPS may be getting into with the policy. There may be ways that this policy could be challenged. He feels it is important for the Board to be informed with “eyes wide open.”

Committee Chair Moroski questioned if the Administration knew the percentage of employees that have been vaccinated. Mr. Hoying reported that they do not have records nor asked for verification. However, given the number of vaccinations administered at the time that CPS was offering vaccinations, it is believed to be significantly higher than the general population.

The Committee then discussed the assignment of employees that are not vaccinated. Ms. Scott shared that it would need to be an individual determination based on the job description and skills set of the employee.

Mr. Hoying pointed out that the individual determination is key. He reported CPS received so many requests for accommodations over the last year and that Human Resources did a good job in reviewing each individual case.

Committee member Bolton suggested the first line of defense is communication. She 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. She trusts it can be written so that it is legal as well as accommodating.

Committee Chair Moroski suggested there is some urgency to this as it should be in place for beginning of school year.

Ms. Bolton reported that the full Board has had two brief discussions about the adopting the policy before it was assigned to the Policy and Equity Committee.

Mr. Moroski suggested the following timeline:

June 7, 2021 – discussed by the full Board as a Board Matters agenda item

June 24, 2021 – revised draft policy reviewed at the Policy and Equity Committee meeting

June 28, 2021 – policy submitted for approval by the full Board

**ACTION:** The Administration will revise the draft policy to include possible accommodations to be provided, the wider definition, and other items discussed. The draft policy will be submitted to the full Board before the regular meeting on Monday, June 7, 2021, for discussion as an agenda item during Board Matters.

In relation with both Mr. Lindy's and Mr. Moroski's points, Committee member Bolton suggested it would be a good idea to arrange public testimony or comments.

### **Purchasing and Responsible Bidder Policies – Review**

Mr. Hoying shared that Trina Levins, Director of Fiscal Services, had joined the meeting for this agenda item. He reported five different policies were identified that were overlapping, duplicative, and perhaps in need of additional review. For the most part, he consolidated the five policies.

The draft consolidated policy has the following five headings:

1. Non-Discrimination in Employment Practices
  - Suggested adding the following paragraph:  
*Any person claiming that a CPS contractor or vendor has a practice of discriminating against its personnel may report such information to CPS's Diversity, Equity, and Inclusion Officer and/or CPS's Office of General Counsel. If the claim is substantiated and not remedied, CPS may discontinue, non-renew, or terminate its contracting relationship with the contractor or vendor.*
2. Local Hire Initiative and Opportunities for CPS's Career Technical Students
3. Contracting with Minority-Owned, Woman-Owned, Disadvantaged, and Small Business Enterprises
  - These goals were set in 2004 and Mr. Hoying suggested they probably need updating, especially the referral to the resolution passed in 2004.
4. Determination of Lowest Responsible Bidder

5. Other Requirements

- Suggested adding the following paragraph from Mr. Lindy’s language suggestions:  
*Where not otherwise prohibited by law, every bid must disclose the following. Failure to do so may constitute evidence that it is not the lowest responsible bid: (a) percent of employees who live in the CPS catchment area, (b) whether the bidder provides or contributes to health care plans for employees working on projects, (c) whether the bidder contributes to an employee pension or retirement program, and (d) whether the bidder has maintained or participated in an apprenticeship program.*
- The \$350,000 threshold was set in the early 2000s and Mr. Hoying suggested the threshold probably needs updating.

Committee member Lindy suggested adding to Section 5.d that if the employer has maintained or participated in an apprenticeship program that the apprenticeship program should be registered with the Ohio State Apprenticeship Council. He believes that it would be a good vetting process of what is asked for in the policy.

While it may not be necessary for this to be put in the policy language, Mr. Lindy suggested that at least once a year a presentation be made showing how the requirements have been applied.

Committee member Bolton reiterated that it would be good for General Counsel to look into contracting for equity, which is a movement in the country. She said that it is new language that is more in keeping with CPS’s Anti-Racism and Equity policies and it would be helpful to be familiar with the new terminology.

To Mr. Lindy’s suggestion for a presentation, Mr. Hoying reported that CPS already does this annually in the Finance Committee.

Ms. Bolton confirmed that the annual review of the contracts does happen in the Finance Committee, as well as the presentation of the Supplier Diversity numbers.

**ACTION:** Mr. Hoying will make changes to the policy which include the revisions discussed during the meeting for review at the Committee meeting on Thursday, June 24, 2021.

After review again by the Policy and Equity Committee, it is anticipated the policy will be submitted for approval by the full Board at the regular meeting on Monday, June 28, 2021.

**Continued Review – Human Resources Policies**

Mr. Hoying presented to the Committee the following Human Resources policies:

3000 Series – Professional Staff	4000 Series – Classified Staff
3111 – Creating a Position	4111 – Creating a Position
3111.1 – Selection of Principals	
3112 – Board Employee Communications	4112 – Board Employee Communications

**Policies 3111 and 4111 – Creating a Position**

Committee member Bolton questioned the references of “only U.S. citizens” and “create new positions.” She suggested further clarification in the policy is required.

**ACTION:** General Counsel will make changes to the Policies 3111 and 4111 for review at the Committee meeting on Thursday, June 24, 2021.

Policy 3111.1 – Selection of Principals

Committee Chair Moroski suggested adding into Policy 3111.1 more OPES 2.0 language. Paul McDole, Director of Human Resources, said that under A.4 would be the appropriate place to add the language.

Committee member Lindy questioned if the language in A.2 was new. Mr. McDole reported the language was not new, and then explained the process for selection of principals. He emphasized the fact that the LSDMCs are very involved, but that their process ends with a recommendation to the Superintendent, who makes the final selection.

Committee member Bolton suggested the language in B.5 needs to be updated.

**ACTION:** General Counsel will make changes to the Policy 3111.1 for review at the Committee meeting on Thursday, June 24, 2021.

Policies 3112 and 4112 – Board Employee Communications

The Committee discussed the fact that the policies are dated and not reflective of the process.

**ACTION:** Assistant General Counsel will make changes to the Policies 3112 and 4112 for review at the Committee meeting on Thursday, June 24, 2021.

**Other Business**

Dual Enrollment Internally

Ms. Bolton questioned if it is legal for CPS students to go to more than one CPS school—not whether it is manageable or doable, but whether it is legal.

Teacher of Record

What does it mean to be a Teacher of Record?

Mr. Hoying reported the answers to both items are somewhat linked. First, per Board directive, all students are freely allowed to transfer and enter into Cincinnati Digital Academy (CDA), transfer back into their home school, and to graduate from their home school.

The Board directive was followed, but there was much back-and-forth communication with the Ohio Department of Education (ODE) regarding EMIS (Education Management Information System) for accountability purposes. EMIS is a statewide data collection system for Ohio schools that includes demographic information, attendance, course information, financial data, and test results.

Mr. Hoying explained that it's all about accountability—which school is going to be accountable for each student's grades, attendance, improvements, test scores, etc.

Teacher of Record is a concept ODE developed for the record keeping system to determine which teacher is going to be accountable for the same things.

It became complicated because ODE was concerned that CDA has its own IRN (Information Retrieval Number), and the students were switching from their home school IRN. The goal was to make it as seamless for students and parents, and provide the required accountability. Mr. Hoying reported that it's an ongoing project addressed by a working group.

Committee member Bolton thanked Mr. Hoying for his answer. She stated that moving forward this has to happen for the future of the new CPS and that it has to be the seamless move. She stated that it is so important for career education and the expansion of remote and other services

**ACTION:** As part of the new CPS and the new education, the Administration will continue the ongoing project of working through allowing students to move seamlessly from program to program without necessarily losing their home school.

#### Taft High School Parking Lot

Committee Chair Moroski reported that Taft High School is interested in letting their parking lot for FC games for public tailgating. He questioned if an alcohol waiver would be required.

Mr. Hoying reported that he received a call from the principal, who was seeking clarification on the expectations for him and his staff.

Ms. Bolton shared that she thought it would require an alcohol waiver, as well as staff resources. She would like to see any money made to go to the school and not to a third party.

She suggested advertising the tailgating as family friendly and that it's safe to tailgate. Mr. Moroski agreed with the suggestion as a good compromise.

**ACTION:** Mr. Hoying will discuss the family friendly tailgating with the principal, who wants to see how things go for the first few games.

#### Advanced Placement and College Credit Plus Programs

Mr. Moroski shared with the Committee that he was approached by the Aiken High School guidance and career counselors regarding a roadblock to equity for CPS's two pathways for students to receive college credit—Advanced Placement (AP) and College Credit Plus (CCP).

According to state law, students who are not “documented” are not permitted to participate in the ODE-funded CCP program. However, these are students who are funded in CPS's K-12 schools, where requiring or requesting citizenship/residency information is not permitted.

This goes against CPS's Equity Policy in that the opportunities are not equal for these CPS students. The fact that CCP is an ODE Graduation Pathway also blocks these students from being able to access this graduation pathway.

Committee Chair Moroski stated that he would like to:

- Discuss with the full Board potentially sending a request to the State for changes in the program requirements.
- Coming up with funding to cover the costs for the 15 students at Aiken High School.

Committee member Bolton questioned what the Board is legally allowed to do.

**ACTION:** General Counsel will research the issue in order to properly advise the Board on appropriate actions.

#### **Policy and Equity Committee Meeting – June 24, 2021**

The Committee discussed whether the June meeting should be conducted virtually or in person.

Mr. Hoying reported that effective July 1, 2021, the changes to the Open Meetings Act permitted due to COVID-19 that allowed public bodies to meet via teleconference will end. This means that members will be required to be physically present to be counted toward a quorum or to vote on matters being considered.

**ACTION:** The Committee decided to conduct the June 24, 2021, Policy and Equity Committee meeting virtually. As there is not a scheduled meeting in July, the Committee will resume in-person meetings on August 26, 2021.

**Hearing the Public**

The following person addressed the Board regarding the topic indicated:

1. Ed Paff, Jr. Parent Volunteers Permitted in Buildings for 2021-2022

**ACTION:** Committee Chair Moroski will discuss with the full Board the topic of parent volunteers (and others) being permitted in the buildings for the 2021-2022 school year.

The meeting adjourned at 11:09 a.m.

**Policy Committee**

Mike Moroski, Chair  
Eve Bolton  
Ben Lindy

**Staff Liaisons**

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