



Book	Policy Manual
Section	Special Update - Emergency and Electronic Meetings - June 2021
Title	Overview
Code	00
Status	From Neola

INDIANA OVERVIEW AND COMMENTS

Special Update - Emergency and Electronic Meetings June 2021

This Update is an effort to supply our clients with a timely template to meet the requirements of HEA 1437. That bill added new requirements to a Board member attending a meeting through electronic communications.

Questions?

Any content-related questions should be directed to your Corporation's associate.

All production related questions should be directed to the Coshocton Production Office at 632 Main Street, Coshocton, Ohio 43812 (email production@neola.com, phone 800-407-5815, fax 740-622-2557).

Billing questions should be directed to the Corporate Office at 3914 Clock Pointe Trail, Suite 103, Stow, Ohio 44224 (email mchapman@neola.com, phone 330-926-0514, fax 330-926-0525).

The Update Material

The proposed new and revised policies included in this update have been thoughtfully prepared and have been reviewed by Lewis Kappes, Neola's outside legal counsel in Indiana, for compliance with Federal and State law, Federal and State Regulatory Agencies, and applicable Federal and State court decisions.

If you make substantive changes to a Neola template or substitute in its entirety a policy or other material of your own drafting, that material should be reviewed by the legal counsel for your Corporation to verify compliance with applicable laws, regulations, and court decisions. Neola does not review any Corporation-Specific Material.

If the Corporation authors language and adds it to a policy template or deletes content that is not marked as a choice in the policy template, then these actions will constitute Corporation-specific edits. Neola does not review Corporation-specific edits to update materials or Corporation-specific policies for statutory compliance. (See "Caveat RE: Corporation-Specific Edits" below.)

If a policy or guideline is marked revision, the proposed revisions will include material to be added and material to be deleted. As you review a revised policy or guideline, you may choose to accept one, many or all of the changes presented.

If a policy or guideline is marked as a replacement, that means there have been enough changes made that instead of showing each individual change, a complete, clean replacement copy has been provided. As you review a replacement policy or guideline, you should also compare the replacement materials to your current policy or guideline to determine if there is some Corporation-specific wording in your current material that you want to be included in the replacement policy. If so, any wording from the current policy should be added using BoardDocs "Track Changes" tool before returning the replacement policy electronically to the Coshocton production office for processing.

Policies that are to be deleted from the Corporation's Board-adopted Policy Manual require School Board action to rescind the policy.

Your Neola Associate will contact you in the near future to schedule an appointment to review this update and ensure you are current on this and previous updates.

If you are not an administrative guidelines client, you did not receive those materials in this packet. Contact your Associate for more information about becoming an administrative guidelines client.

Submitting Material

The Corporation can incorporate the proposed edits in the Update documents into the Corporation's current policies using "Track Changes" or the editing tool in the BoardDocs platform. Mark the current materials indicating which of the proposed revisions and additions you choose to include and/or to make additional edits, before presenting them to the Board for adoption. After adoption, return the materials on the BoardDocs policy site to Neola for processing and publishing. Please be sure to leave the "track changes" in the marked-up version that you submit to the production office in Coshocton, Ohio.

Please remember to email production@neola.com when you've posted your material and the disposition sheet so we know to go to your folder and retrieve it, and what we can expect to find there when we access it.

Please note, even if a Corporation chooses not to include a policy or administrative guideline in their management documents that describes a statutory requirement, the Corporation is still obligated to follow applicable Federal and State laws relating to that policy or guideline.

Caveat RE: Corporation-Specific Edits

Please note also that if the Corporation chooses during any step of the Update process to incorporate Corporation-specific material into a new policy that has been proposed or insert Corporation-specific material into a current policy for which revisions have been proposed in an update issued by Neola, then the Corporation agrees to hold Neola harmless for those Corporation-specific edits and acknowledges that Neola's Warranty for legal challenges to the Corporation-specific language in that policy will be voided. In addition, Neola retains ownership of the text from the original policy template that remains in a policy to which Corporation-specific edits have been made. Corporation-specific materials include the following:

- A. materials from the existing materials for the Corporation that the Corporation requests be incorporated into Neola templates during the drafting process;
- B. new policies or guidelines developed in their entirety by the Corporation, exclusive of Neola; and
- C. revisions to or deletions from a Neola template that substantively depart from that template.

Further, Neola does not advocate the use or incorporation of Corporation-specific materials. Neola will, at the request of the Corporation, incorporate Corporation-specific materials into the licensed materials, with the implicit understanding that the Corporation accepts all risks associated with the decision to request that such Corporation-specific materials be incorporated. Neola reserves the right to but is not obligated to, advise the Corporation to seek its own legal review of Corporation-specific materials by the school board attorney who represents the Corporation. And Neola retains the copyright to any intellectual property from its template.

Caveat RE: Neola's Warranty

Neola proudly warrants that the content of the policy templates is legally correct.

However, when Federal and State law is amended or new provisions are added to State or Federal law and revision or replacement of an existing policy template is necessitated, the copyright date noted at the end of the policy is updated as well.

Please note, Neola's warranty applies only to the policy template with the most current copyright date. All previous iterations of the policy template are no longer warranted.

Therefore, the material included in each update should be adopted if the Corporation wants assurance that their adopted policies are warranted by Neola.

Notifying Neola of a Challenge to the Legal Accuracy of a Policy

The Neola staff in Indiana is vigilant in providing policy language to our clients that has been vetted for legal accuracy by our outside counsel. Should questions arise as to the legal compliance or accuracy of Neola materials, it is our expectation that our outside counsel would have the opportunity to assist in the resolution of such a claim. That can occur only if we are notified immediately upon receipt of such a challenge. Please notify Neola's corporate office (330-926-0514) if an issue arises in which such a review or assistance is necessary. To be eligible for assistance under our warranty we must be notified with ten (10) business days of the receipt of such a challenge.

BYLAWS AND POLICIES

Bylaw 0164.5 Member Participation in Meetings Through Electronic Means of Communication (NEW)

HEA 1437, enacted by General Assembly in its Spring2021 Legislative Session, provides specific conditions related to the participation by School Board members in Board meetings by electronic communication. This new Bylaw addresses the required conditions and offers options to address those areas, as allowed by HEA 1437, where local Boards may add their own specifications. This Bylaw provides legal means by which Board members may attend Board meetings by electronic communication when the Board is not subject to an emergency governmental order.

HEA 1437 requires a Board to adopt a policy to address procedures that allow Board members to participate in Board meetings by electronic communication. Therefore, it is recommended this Bylaw should be adopted to provide direction to members and allow for the flexibility of members attending Board meetings by electronic communication.

Bylaw 0164.6 Meetings During Declared Disaster Emergencies (NEW)

HEA 1437 also creates a new code section, Ind. Code 5-14-1.5-3.7, which provides for the participation of all Board members via electronic communication when the Governor declares a disaster emergency or the executive of the local governmental unit declares a local disaster emergency. The new Bylaw addresses the requirements for Board members to participate via electronic communication when a disaster emergency/local disaster emergency is in effect.

It is recommended that the Board adopt this new bylaw to keep its policies current and permit the Board to continue meeting without delay during disaster emergencies.

Bylaw 0164.4 Meeting of the Board Defined (Revised)

This Bylaw has been revised to comply with HEA 1437, which gives Boards the authority to allow members to participate in Board meetings through electronic communication even when not subject to an emergency governmental order.

This Bylaw should be recommended to the Board for adoption in coordination with the adoption of the new Bylaw 0164.5. The Board should adopt the Bylaw to maintain congruence of the definition of Board meeting and the new provision allowed by HEA1437.

Bylaw 0167.1 Voting (Revised)

This Bylaw also has been revised to comport with HEA 1437 by setting forth the requirements for voting when a Board member participates by electronic communication.

This Bylaw should be recommended to the Board for adoption in coordination with the adoption of the new Bylaw 0164.5 and the new Bylaw 0164.6. The Board should adopt the Bylaw to maintain compliance with the laws governing voting at Board meetings and the changes in the law effected by HEA 1437.

COMMENTS

Reviewing Board Minutes

A feature of your subscription to the Update Service is the review of your Corporation's Board minutes to identify an action that results in new policy or revision to existing policy. If such action has been taken and copies of the related materials have not been submitted to the Coshocton Office, the Corporation will be contacted and additional information regarding the action will be requested.

This submission should occur as soon as the minutes for a Board meeting are approved. Submitting minutes a year, two, or even three later is not what Neola intends.

Please take advantage of this valuable service by sending copies of your Board minutes to the Coshocton Office for review.