

The Star System: How Will Your School District Rate?

By Leighann K. Fink

On November 22, 2019, Auditor Keith Faber announced that his office plans to rate local governments and state agencies based upon implementation and application of best practices for compliance with Ohio's Sunshine and Open Meetings Laws. The annual reviews, for audits ending on December 31, 2020, and for subsequent years, are designed to reinforce obligations related to public record requests and transparency. The Auditor's Office will issue ratings – one star for meeting state requirements or a rating of non-compliance for those who fail to meet minimum standards.

For those governmental entities who elect to adopt additional best practices, a rating of two to five stars will be awarded. These additional stars can be earned by adopting and implementing the following best practices for compliance with public records responsibilities:

- A method to record and save public record requests;
- Having standard request forms available at public offices;
- Notification to acknowledge when record requests are received;
- Publicizing the name, title and contact information of the records custodian;
- Posting meeting agendas, policies and schedules online;
- Posting budgets, salaries and other public information online; and
- Requiring that all elected officials receive public records training.

To earn the top rating of five stars, a state/local government or governmental agency must adopt five or more of the seven best practices listed above.

Nothing in the recent bulletin from the Auditor changes the legal process for challenging violations of the public records requirements in the Ohio Revised Code. Auditor Faber indicated that the star system will also apply to compliance with open meeting laws. He reportedly intends to introduce a legislative proposal to create a mediation process applicable to complaints related to open meetings of a public body.

Please contact any of the listed professionals regarding the impact of the new Auditor star rating system or best practices for compliance with public records requests or open public meetings.

Doug Spiker
Practice Group Manager
Employment Services
216.696.7125 | dspiker@ralaw.com

Lewis Adkins
Practice Group Manager
Public Law, Regulatory and Finance
216.616.4842 | ladkins@ralaw.com

Helen S. Carroll
330.849.6710 | hcarroll@ralaw.com

G. Frederick Compton, Jr.
330.849.6610 | fcompton@ralaw.com

Diana M. Feitl
216.615.4838 | dfeitl@ralaw.com

Leighann K. Fink
330.849.6633 | lfink@ralaw.com

Daniel G. Hilson614.723.2060 | dhilson@ralaw.com**Justin P. Markey**330.849.6632 | jmarkey@ralaw.com**Galen L. Schuerlein**216.820.4238 | gschuerlein@ralaw.com**Alex Thomas**614.723.2038 | athomas@ralaw.com