

## Transmittal Letter 84

**TO:** Ohio Children's Trust Fund Stakeholders

**FROM:** Kara B. Wente, Director

**DATE:** Month XX, 2025

**SUBJECT:** Ohio Children's Trust Fund rules Open Meetings Act updates due to the enactment of House Bill 257 of the 135<sup>th</sup> General Assembly, House Bill 96 of the 136<sup>th</sup> General Assembly, and rule renumber.

### Background

The Department of Children and Youth (DCY) is revising Ohio Administrative Code (OAC) rules related to the Children's Trust Fund (OCTF) due to the enactment of House Bill 257 (HB 257) of the 135<sup>th</sup> General Assembly, House Bill 96 of the 136<sup>th</sup> General Assembly, five-year rule review, and various needed updates. Changes include clarifications regarding appointments to and the composition of regional prevention councils, and updates to procedures to allow meetings of regional councils to be conducted via video conferencing.

Additionally, DCY rules in the OAC were renumbered to 5180 on January 2, 2025, as a result of House Bill 33 (HB33) of the 135<sup>th</sup> General Assembly. For organizational reasons, as DCY opens rules, the rules are being rescinded and adopted under a new number.

These rules will be effective on January 1, 2026.

### Purpose

**OAC 5180:5-1-01 → OAC 5180:1-3-01 “Regional prevention councils operation and regional prevention council member duties”** provides requirements for calling and conducting regional prevention council meetings. Key changes to the new rule include:

- Existing rule 5180:5-1-01 is being rescinded and adopted under new number 5180:1-3-01.
- Clarification that meetings are at the call of the chairperson and scheduled by the Regional Prevention Coordinator.

- Statutorily required procedures that allow Regional Prevention Councils to hold meetings by video conference.

**OAC 5180:5-1-02 → OAC 5180:1-3-02 “Regional Council County Selection Process”**

outlines the process for establishing regions and their county makeup. Key provisions include:

- Existing rule 5180:5-1-02 is being rescinded and adopted under new number 5180:1-3-02.
- In accordance with ORC 3109.171, the rule states that the OCTF Board, in consultation with DCY, is responsible for determining the county makeup of regions.
- Establishment of criteria to be used when planning regions.

**OAC 5180:5-1-03 → OAC 5180:1-3-03 “Boards of county commissioners appointing of regional prevention council members”** outlines the process used by county commissioners when appointing prevention specialists to a regional prevention council. Modifications include:

- Existing rule 5180:5-1-03 is being rescinded and adopted under new number 5180:1-3-03.
- Updating the information of appointed individuals to be sent to OCTF
- Clarifying the terms of members appointed to a regional prevention council by the county commissioners.

**Rules/Forms**

The chart indicates the impacted OAC rules, transmittal letters, and/or required forms.

OAC Rules	Previous Transmittal Letter	DCY Forms
5180:5-1-01	CTFMTL 2	
5180:5-1-02	CTFMTL 2	
5180:5-1-03	CTFMTL 2	
5180:1-3-01		
5180:1-3-02		
5180:1-3-03		

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## 5180:1-3-01      Regional prevention councils operation and regional prevention council member duties.

Regional prevention councils are established to serve child abuse and child neglect prevention regions created and defined under section 3109.171 of the Revised Code.

### (A) Meetings and notices.

(1) All business transactions of each council are to be conducted in public meetings. Each council is to meet in compliance with division (H) of section 3109.172 of the Revised Code at the call of the chairperson and as scheduled by the regional prevention coordinator.

(2) Public notice of meetings will specify the time and place of the meeting.

(a) Each council will maintain a list of persons who have requested notice of all meetings.

(b) Any person may obtain electronic mail notification of the time and place of any regularly scheduled meeting by requesting such notification from the council before the close of the business day prior to the meeting.

(c) In the event of a special meeting, the council will notify all listed persons by electronic mail notification as soon as possible after the special meeting is scheduled.

### (3) Quorum.

A majority of the actual number of county prevention specialists that have been appointed to the council at the time of a meeting where official action is to be taken constitutes a quorum to conduct a meeting. A majority of those members present and voting yes on a proposal constitutes a favorable vote. All votes are to be conducted by roll call.

(4) Councils may hold public meetings by means of video conference or any other similar electronic technology so long as the council is in compliance with all of the following:

(a) Regional councils are to provide notification of meetings held under this section to the public and to the media that have requested notification of a meeting at least seventy-two hours in advance of the meeting by reasonable methods by which any person may determine the time, location, agenda of the meeting, and the manner by which the meeting will be conducted, except in the event of an emergency requiring immediate official action. In the event of an emergency, the regional council coordinators are to immediately notify the news media that have requested notification and the Ohio children's trust fund (OCTF) executive director of the time, place, and purpose of the meeting.

(b) Regional councils are to provide the public access to a meeting held by means of video conference or any other similar electronic technology that the public would otherwise be entitled to attend commensurate with the method in which the meeting is being conducted, including for example, livestreaming by means of the internet, television, cable, or public access channels, or by means of any other similar electronic technology. Regional council coordinators are to ensure that the public can observe and hear the discussions and deliberations of all the members of the council, whether the member is participating in person or electronically. Members of the council are to have a sufficient internet or other electronic connection to allow the member to be seen and heard clearly, and are to be visible at all times.

(c) All votes taken during the meeting are to be taken by roll call vote unless there is a motion for

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unanimous consent, and the motion is not objected to by a member of the council. If a vote is taken unanimously, the council will provide the public with information on how the members of the council voted, including any members who abstained from voting.

- (d) Any member of the council who intends to attend a meeting by means of video conference or other similar electronic technology is to notify the chairperson and the council coordinator of that intent not less than forty-eight hours before the meeting, except in the case of an emergency. An emergency is defined as any action necessitating immediate council action whereby failure to act would result in statutory or regulatory non-compliance or severe operational disruption of the council and the action was reasonably unforeseeable.
- (e) If, upon the notification of an upcoming council meeting, and not later than forty-eight hours before the meeting, the greater of at least ten per cent of the members of the council or two members of the council, notifies the chairperson of the council that an item in the agenda is to be acted upon at a meeting conducted fully in person, upon the acknowledgment of the chairperson and the council coordinator of receipt of the notification, the council is to take action on the item of the agenda only at a meeting conducted fully in person.

(5) All public meetings of the councils are to comply with the requirements in ORC 121.221(B)(3)(e). For the purposes of complying with the definitions requirement in ORC 121.221(B)(3)(e), the following definitions are adopted:

- (a) "Major nonroutine expenditure" means any expenditure not governed by the OCTF board.
- (b) "Significant hiring decision" means any hiring decision whatsoever.

### (B) Officers and their duties.

- (1) The chairperson serves as a nonvoting member of the council. The chairperson is to preside at all council meetings or may call upon the vice chairperson to preside during a meeting.
- (2) A vice chairperson is to be selected by the council from among the members of the council in the first quarter of each state fiscal year.
  - (a) The vice chairperson is to preside in the event of the absence of the chairperson or upon the request of the chairperson.
  - (b) When presiding over a council meeting, the vice chairperson becomes a nonvoting member and functions in the same capacity as the chairperson.
- (C) Each regional prevention council member will assist the regional prevention coordinator in conducting the needs assessments as outlined in division (J)(2) of section 3109.172 of the Revised Code by identifying and providing appropriate local data to inform prevention plan development, implementation, and monitoring.

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5180:1-3-02 **Regional council county selection process.**

(A) Pursuant to ORC 3109.171, the Ohio children's trust fund (OCTF) board, in consultation with the department of children and youth (DCY), will determine the number of regions and counties within each regional council, which will be issued by the board in the prevention plan criteria.

(B) When making the determination in paragraph (A) of this rule, the OCTF board will assess counties within each regional council by considering factors, including but not limited to:

- (1) Collaboration amongst counties within an existing region.
- (2) Similarity in needs and resources amongst counties within a geographical area.
- (3) Metropolitan statistical area alignment.
- (4) Child abuse and neglect prevention provider existing infrastructure and capacity.
- (5) County makeup of similar regionalized state agency collaboratives, councils, boards, etc.

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## 5180:1-3-03 Boards of county commissioners appointing of regional prevention council members.

- (A) Pursuant to division (C)(1) of section 3109.172 of the Revised Code, each board of county commissioners within a region may appoint up to two county prevention specialists to the council representing the county.
- (B) If a regional prevention coordinator selects as its representative to serve as chairperson of the regional prevention council a county prevention specialist that was appointed to the council by a board of county commissioners, then that board of county commissioners may appoint a county prevention specialist to fill the vacancy.
- (C) Commissioners appoint county prevention specialists to the council by submitting written notification to the Ohio children's trust fund (OCTF) containing the following information for each appointed individual:
  - (1) Full name.
  - (2) Business or home street address, city, state, and zip code.
  - (3) Business or personal e-mail address.
  - (4) Either a resume or short biography.
- (D) The board of county commissioners and the regional prevention coordinator serving the county will receive written confirmation of the appointment that includes the start and end dates of each appointee's term of service on the regional prevention council. In compliance with ORC 3109.172(D), an appointment's start date will be the earliest date an appointment may be made by the county commissioners and will last two years from that date.

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TO BE RESCINDED

5180:5-1-01

**Regional prevention councils operation and regional prevention council member duties.**

Regional prevention councils are established to serve child abuse and child neglect prevention regions created and defined under section 3109.171 of the Revised Code.

(A) Meetings and notices.

- (1) All business transactions of each council shall be conducted in public meetings. Each council shall meet in compliance with division (H) of section 3109.172 of the Revised Code at the call of the chairperson; and
  - (a) Held in accordance with a schedule adopted by each council at its first meeting; or
  - (b) Scheduled at a previous meeting of the council; or
  - (c) Special meeting called by the chairperson of the council.
- (2) Public notice of meetings will specify the time and place of the meeting.
  - (a) Each council will maintain a list of persons who have requested notice of all meetings.
  - (b) Any person may obtain electronic mail notification of the time and place of any regularly scheduled meeting by requesting such notification from the council before the close of the business day prior to the meeting.
  - (c) In the event of a special meeting, the council will notify all listed persons by electronic mail notification as soon as possible after the special meeting is scheduled.
- (3) Quorum.

A majority of the actual number of county prevention specialists that have been appointed to and are serving on the council at the time of a meeting where official action is to be taken constitutes a quorum to conduct a meeting. A majority of those members present and voting yes on a proposal shall constitute a favorable vote. All votes shall be conducted by roll call.

## (B) Officers and their duties.

- (1) The chairperson serves as a nonvoting member of the council. The chairperson is to preside at all council meetings or may call upon the vice chairperson to preside during a meeting.
- (2) A vice chairperson shall be selected by the council from among the members of the council.
  - (a) The vice chairperson shall preside in the event of the absence of the chairperson or upon the request of the chairperson.
  - (b) When presiding over a council meeting, the vice chairperson becomes a nonvoting member and functions in the same capacity as the chairperson.

(C) Each child abuse and child neglect regional prevention council and its regional prevention coordinator shall collaborate on assembling the council's regional child abuse and child neglect prevention plan. The council shall then submit its regional prevention plan to the OCTF board by submitting the form JFS 01475, "Ohio children's trust fund regional child abuse and child neglect prevention plan submission."

(D) Pursuant to division (I)(5) of section 3109.172 of the Revised Code, each regional prevention council member shall:

- (1) Serve on a minimum of one workgroup.
- (2) Assist the regional prevention coordinator in conducting comprehensive needs assessments in addition to the initial assessment as outlined in division (I)(2) of section 3109.172 of the Revised Code.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: null  
Rule Amplifies: null

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TO BE RESCINDED

5180:5-1-02

**OCTF as prevention coordinator.**

Ohio children's trust fund (OCTF) staff will serve as regional prevention coordinator for any region without a regional coordinator.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: null  
Rule Amplifies: null

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TO BE RESCINDED

5180:5-1-03

**Boards of county commissioners appointing of regional prevention council members.**

- (A) Pursuant to division (C)(1) of section 3109.172 of the Revised Code, each board of county commissioners within a region may appoint up to two county prevention specialists to the council representing the county.
- (B) If a regional prevention coordinator selects as its representative to serve as chairperson of the regional prevention council a county prevention specialist that was appointed to the council by a board of county commissioners, then that board of county commissioners may appoint a county prevention specialist to fill the vacancy.
- (C) Commissioners appoint county prevention specialists to the council by submitting written notification to the Ohio children's trust fund (OCTF) containing the following information for each appointed individual:
  - (1) Full name.
  - (2) Business address.
  - (3) City.
  - (4) State.
  - (5) Zip code.
  - (6) Phone number.
  - (7) Email address.
  - (8) One of the following: resume, curriculum vitae or short biography.
- (D) The board of county commissioners and the regional prevention coordinator serving the county will receive written confirmation of the appointment that includes the start and end dates of each appointee's term of service on the regional prevention council.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: null  
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