



---

## HOUSE BILL 164 LEGISLATIVE UPDATE 6/26/2020

**OSBA:** Jennifer Hogue, Will Schwartz, Nicole Piscitani  
**BASA:** Kevin Miller  
**OASBO:** Barbara Shaner

1

## HOUSE BILL (HB) 164

---

- Majority of HB 164 provisions became effective immediately once Gov. Mike DeWine signed the bill (June 19, 2020); other provisions will be effective 90 days from that date
  - The bill includes an emergency clause that applies to specific provisions (immediate effectiveness)
  - There is an appropriation in HB 164, which was effective immediately and did not require emergency clause
- Some changes in the bill are contained in the 'temporary law' sections and only apply to the 2020-2021 school year; other provisions make changes to permanent law
- Immediately effective provisions will be covered first; 90-day effective date provisions will be covered last and will be noted

2

## TEACHER AND PRINCIPAL EVALUATIONS

---

- Permits a school district that did not participate in the teacher evaluation pilot program established for the 2019-2020 school year to continue evaluating teachers on two-year or three-year evaluation cycles even if the district completes an evaluation for them in the 2019-2020 school year without a student growth measure
  - Accomplished and skilled
- Specifies a teacher who did not have a student growth measure as part of an evaluation for the 2019-2020 school year must remain at the same point in the teacher's evaluation cycle, and retain the same evaluation rating, for the 2020-2021 school year as the 2019-2020 school year

3

## TEACHER AND PRINCIPAL EVALUATIONS

---

- Authorizes a school district to choose to complete a principal's performance evaluation for the 2019-2020 school year without using a student growth measure as part of the evaluation
- Prohibits school districts from using value-added data or student growth measures for 2020-2021 evaluations (teachers and principals)

4

## LICENSURE AND GRADE BAND FLEXIBILITY

---

- Permits a school district to employ or reassign a licensed teacher to teach a subject area or grade level for which the teacher is not licensed for the 2020-2021 school year
  - Teacher has three or more years teaching experience
  - Assignment is within 2 grade levels of the teacher's licensure

5

## LICENSURE AND GRADE BAND FLEXIBILITY

---

- ODE Guidance:

<http://education.ohio.gov/Topics/Student-Supports/Coronavirus/Educator-Licensure>

### LICENSURE FLEXIBILITY FOR 2020-2021 SCHOOL YEAR

As a result of the ongoing coronavirus health crisis, and in the context of getting ready to begin the next school year, school districts and educators are being given licensure flexibility for the 2020-2021 school year only. Pursuant to HB 164 of the 133rd General Assembly, a superintendent may employ or assign an educator to teach a subject area or grade level for which the person is not licensed that is within two grade levels of the person's licensure grade band. To qualify, an educator must hold a professional or resident educator teaching license issued under section 3319.22 of the Ohio Revised Code and have at least three years of teaching experience. This flexibility is available only for the 2020-2021 school year. Following the 2020-2021 school year, educators will be held to the same licensure requirements that existed prior to HB 164.

Last Modified: 6/23/2020 4:50:40 PM

6

## REMOTE LEARNING PLAN

---

- Permits public schools to adopt a plan to provide instruction using a “remote” learning model for the 2020-2021 school year
- An “approved plan” is due to ODE by July 31
  - Board of Education should approve the plan
- Submitted to ODE but not approved by ODE
  - Will be posted on ODE website

7

## REMOTE LEARNING PLAN

---

- School districts submitting the the plans will be considered compliant with minimum-hour requirements and funding eligibility criteria (for the 2020-2021 year only)

8

## REMOTE LEARNING PLAN--REQUIRED COMPONENTS

1. How student learning needs will be determined and documented
2. Methods for determining competency, granting credit, and promoting students
3. Attendance requirements, including how the district will document participation in learning opportunities
4. How student progress will be monitored
5. How equitable access to quality instruction will be provided
6. Description of the professional development activities to be offered to teachers

9

Check the appropriate box.

Establishing a Blended Learning Model

Discontinuing a Blended Learning Model

**Blended Learning  
Declaration Form  
Nov. 1 Deadline**

District/Name: \_\_\_\_\_

IRN: \_\_\_\_\_

School Year: \_\_\_\_\_

Name and Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

10

## BLENDED LEARNING

---

- “[T]he delivery of instruction in a combination of time in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning.”
  - ORC 3301.079
  - Defined in 2012
  - “Online delivery” is a necessary component

11

## FROM ODE:

---

- Districts do the Blended Learning Model OR Remote Learning Plan – not both
- **“If a district has submitted a Blended Learning Declaration but decides that a Remote Learning Plan is better for them, we will clarify what next steps they should take in the coming weeks”**
- Additional information on both options is forthcoming from the Department

12

## BLIZZARD BAGS

---

- Were allowed to be extended for the 2019-2020 school year (HB 197)
- Continues to be an option, but not a long-term option
- Up to the equivalent of 3 school days to meet minimum hours
- Board action needed by July 31

13

## END-OF-COURSE EXAMS AND FINAL COURSE GRADES

---

- High school students may use final course grade in lieu of corresponding end-of-course exam
- Students can still take the corresponding exam in a future year and use that score
- Who's eligible?
  - (1) Students who were taking a qualifying course and were **scheduled to take** an EOC exam for the first time in the 2019-2020 school year but did not take the test because the administration of the exam was canceled;
  - (2) Students who were **scheduled to retake** an EOC exam in the 2019-2020 school year and did not retake the test because the administration of the examination was canceled.
- Which courses are eligible?
  - Courses that correspond to the seven state EOCs: ELA I, ELA II, Algebra I (integrated math I), geometry (integrated math II), biology, American history, American government

14



## END-OF-COURSE EXAMS AND FINAL COURSE GRADES

- Grading scale ----->

- “Competency” score is equal to “C”

- What if we used “Pass/Fail?”

- Fail = “F”

- Pass = choice of district, except pass equates to “competency” if applicable

- ODE guidance:

- Scheduled test takers “should use” the final course grade; those retaking the test “may use” the previous course grade

- <http://education.ohio.gov/Topics/Student-Supports/Coronavirus/Graduation-Flexibility-%E2%80%93-2021-and-Beyond>

Final Course Grade	Exam Performance Level	Graduation Points
A	Advanced	5
B	Accelerated	4
C	Proficient	3
D	Basic	2
F	Limited	1

15

## THIRD-GRADE READING GUARANTEE

- For the 2020-2021 school year only, school districts are prohibited from retaining third-grade students who did not pass the English language arts assessment
  - The student's principal and reading teacher determine if other evaluations of the student's skill in reading demonstrate they are academically prepared to be promoted to the fourth grade
- Promotion score – 2019-2020 score to be used for 2020-2021 school year; score of 683 will remain at for 2020-2021
- One-year exemption from teacher qualification requirement for teachers who provide intense remediation reading assistance to students retained in the 2019-2020 school year

16



## “READING IMPROVEMENT PLANS” AND “READING ACHIEVEMENT IMPROVEMENT PLANS”

---

- “Reading improvement plans” are new from Senate Bill (SB) 216 of the 132nd General Assembly
  - Beginning in 2019-2020 SY, districts must establish a reading improvement plan if less than 80% of its students score “proficient” or higher on the third-grade ELA
  - Plan must be approved by board of education
- “Reading achievement improvement plans”
  - Annual plan for districts that met both of the following for two most recent years:
    - (1) “D” or “F” on K-3 literacy measure of report card;
    - (2) Less than 60% of its students score “proficient” or higher on the third-grade ELA.
  - Plan must meet SBOE guidelines and be submitted to ODE
- HB 164 exempts districts from establishing either of these plans in the 2020-2021 school year based on 2019-2020 test results

17

## FUNDING CHANGES IN HB 164

---

- Payment for districts with decreases in public utility tangible personal property (PUTPP) value
  - Qualifying districts have power plants within the tax base and the following conditions exist:
    - For FY 2020, district total PUTPP valuation went down 10% or greater over a period between Tax Years 2017 to 2018, 2018 to 2019, or 2017 to 2019
    - For FY 2021, district total PUTPP valuation went down 10% or greater over a period between Tax Years 2019 to 2020 or 2017 to 2020
  - Qualifying districts would have their state aid (SSI) recomputed based on the Tax Year 2019 valuation.
    - Districts would receive the greater of the recomputed amount, or 50% of the loss of local tax revenue from Tax Years 2017 to 2019
- This provision also applies to affected Career Center districts

18

## FUNDING CHANGES IN HB 164

County	District	Estimated Payment
Adams	Manchester Local	\$1,318,835
Lake	Perry Local	\$1,055,667
Gallia	Gallia County Local	\$402,650
Clermont	New Richmond Exempted Village	\$388,487
Clermont	Felicity-Franklin Local	\$137,864
Coshocton	River View Local	\$117,665
Clermont	US Grant JVSD	\$73,976
Meigs	Southern Local	\$623
<b>Total</b>		<b>\$3,495,765</b>

19

## FUNDING CHANGES IN HB 164

- Funding adjustment for districts with utility TPP value increases
  - Under previous law, a school district that experienced a 10% increase in the valuation of all PUTPP would have its state aid adjusted downward
    - Known as the '028 adjustment'
    - HB 166 repealed that requirement from the Ohio Revised Code
  - One school district in particular had its state aid adjusted downward by \$400K
    - It was later determined that the PUTPP that had caused the increase in total valuation was actually located in Kentucky
    - The utility company was due a refund for the taxes already paid to the school district; the refund was for a similar amount the district had already lost in state aid
  - HB 164 requires that the \$400K previously deducted from the state payments be refunded
    - Other districts that were negatively by the former '028 adjustment' will also benefit

20

## FUNDING CHANGES IN HB 164

County	District	"028" Adjustment Reimbursement
Clermont	Felicity-Franklin Local	\$400,266
Trumbull	Weathersfield Local	\$144,811
Mahoning	Lowellville Local	\$189
<b>Total</b>		<b>\$545,266</b>

21

## FUNDING CHANGES IN HB 164

- \$24 million in one-time additional payment for school districts for fiscal year (FY) 2020
  - Qualifying districts are those that would receive less than 94% of expected state foundation aid in FY 2020 from the following sources combined:
    - Foundation funding for FY 2020 after reductions in accordance with the Governor's order; and
    - Funding from the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act for FY 2020-2021
  - Payment calculation:

$$\begin{aligned}
 & 94\% \text{ of the original foundation amount} \\
 & \quad \text{Minus} \\
 & \text{Foundation amount after funding reductions} + \text{CARES Funds} \\
 & = \text{payment amount (if greater than zero)}
 \end{aligned}$$

22

## SPECIAL EDUCATION

---

- Services to special needs students
  - Allows related service providers to provide services electronically or via telehealth for the 2019-2020 and 2020-2021 school year
  - This applies to individuals licensed by the:
    - Speech and Hearing Professionals Board;
    - Occupational Therapy, Physical Therapy, and Athletic Trainers Board;
    - State Board of Psychology; and
    - Counselor, Social Worker, and Marriage and Family Therapist Board
  - This also applies to intervention specialists and school psychologists licensed by the State Board of Education

23

## PRESCHOOL SPECIAL EDUCATION TEACHERS

---

- Allows teachers licensed to teach special education and employed to teach in a preschool integrated classroom prior to ODE licensure changes to continue to teach in that capacity until they retire, resign or are reassigned

24

## STORM SHELTERS

---

- Extends moratorium on building code requirements for storm shelters in schools from September 15, 2020 until November 30, 2022

25

## ONLINE BUS DRIVER TRAINING

---

- Applies only for the 2020-2021 school year
- Applies only to the classroom portion of the pre-service and annual in-service training for school bus driver certification
  - Does not apply to on-the-bus training
- Requires ODE to develop the online training program

26

## TEST RECORDS FOR HOMESCHOOLED STUDENTS

---

- HB 197 gave homeschooled students the no-assessment provision
  - A parent of any student who was instructed at home for the 2019-2020 school year would not have to submit to the district superintendent the results of a standardized achievement assessment administered to the student as a condition of the district allowing the student to continue to receive home instruction for the 2020-2021 school year
  - Under HB 197, the academic assessment record was still required
- HB 164 exempts parents from the administrative rule requirement to submit an “academic assessment record” for the 2019-2020 school year to the student’s district superintendent as a condition of allowing the student to continue receiving home instruction for the 2020-2021 school year

27

## COMMUNITY/CHARTER SCHOOL PROVISIONS

---

- Sponsor ratings (immediate effect)
  - No overall ratings and a safe harbor for 2019-2020 school year governing authority membership (immediate)
  - Sponsors are permitted to remain eligible in the 2020-2021 school year for any incentives for which they were eligible in the 2019-2020 school year
- Quality Community School Support Program (90-day effective date)
  - Created in HB 166; \$30 million program to provide additional \$1,000 or \$1,750 per pupil to schools that meet specified criteria on report cards, sponsor ratings, and other factors
  - HB 164 revises one of the eligibility criteria to limit eligibility to schools that already meet the prescribed criteria and are in their first year of operation

28

## RELIGIOUS EXPRESSION IN SCHOOLS

---

- Authorizes students to engage in religious expression before, during, and after school hours in the same manner and to the same extent that a student may engage in secular activities or expression before, during, and after school hours
  - Students who wish to meet for the purpose of religious expression have the same access to school facilities given to secular student groups
  - School districts cannot limit the exercise or expression of religion to lunch periods or other noninstructional time periods

29

## RELIGIOUS EXPRESSION IN SCHOOLS

---

- Prohibits public schools from restricting a student from engaging in religious expression in the completion of homework, artwork, or other assignments
- Prohibits public schools from rewarding or penalizing a student based on the religious content of the student's homework, artwork, or other assignments

30



## GOVERNOR DEWINE'S REOPENING GUIDANCE

---

- Expected early next week
- “Broad guidelines”- “no one should be surprised”
- “Large amount of flexibility” for districts
- Next press conference is Tuesday, June 30 at 2 pm
- [www.ohiochannel.org](http://www.ohiochannel.org)

31

## UNADDRESSED ITEMS

---

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• EdChoice Vouchers           <ul style="list-style-type: none"> <li>• Long-term changes to the eligibility provisions of the EdChoice program</li> </ul> </li> <li>• Territory Transfers           <ul style="list-style-type: none"> <li>• Repeal of new transfer provisions in the budget bill</li> </ul> </li> <li>• Use of Schools           <ul style="list-style-type: none"> <li>• Allow schools to determine use of facilities during pandemic</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Permissive furloughs           <ul style="list-style-type: none"> <li>• Allow districts the option to furlough during the pandemic</li> </ul> </li> <li>• Transportation           <ul style="list-style-type: none"> <li>• Reduction after the start of the school year</li> <li>• Flexibility from the mandate to transport charter and private school students</li> </ul> </li> <li>• Liability</li> <li>• Budget cuts and rainy day fund</li> </ul> |
|---|--|

32

## REMAINING LEGISLATIVE SCHEDULE

---

- House
  - No official session dates until Nov. 10
  - “If Needed” for September
- Senate
  - June 30 (if needed), July 22, Aug. 19, Sept. 23, Oct. 14
  - At least one “If Needed” session scheduled each month leading up to November

33

## QUESTIONS?

---

Jennifer Hogue  
[jhogue@ohioschoolboards.org](mailto:jhogue@ohioschoolboards.org)

Kevin Miller  
[miller@basa-ohio.org](mailto:miller@basa-ohio.org)

Will Schwartz  
[wschwartz@ohioschoolboards.org](mailto:wschwartz@ohioschoolboards.org)

Barbara Shaner  
[barbaracshaner@gmail.com](mailto:barbaracshaner@gmail.com)

Nicole Piscitani  
[npiscitani@ohioschoolboards.org](mailto:npiscitani@ohioschoolboards.org)

Katie Johnson  
[katie@oasbo-ohio.org](mailto:katie@oasbo-ohio.org)

34