

I_133_3062-8

133rd General Assembly
Regular Session
2019-2020

Sub. S. B. No. 358

A BILL

To amend sections 3302.036, 3302.12, and 3302.17; 1
to enact section 3302.103; and to repeal section 2
3302.042 of the Revised Code; and to amend 3
Sections 10, 11, and 12 of H.B. 164 of the 133rd 4
General Assembly; Section 12 of H.B. 197 of the 5
133rd General Assembly; Section 17 of H.B. 197 6
of the 133rd General Assembly, as subsequently 7
amended; and Section 7 of S.B. 216 of the 132nd 8
General Assembly, as subsequently amended, to 9
make changes to education law for the 2020-2021 10
school year in response to implications from 11
COVID-19, to extend the authorization for public 12
bodies to hold meetings via electronic 13
technology during the period of the emergency 14
declared by Executive Order 2020-01D, and to 15
declare an emergency. 16

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3302.036, 3302.12, and 3302.17 be 17
amended and section 3302.103 of the Revised Code be enacted to 18



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read as follows:

Sec. 3302.036. (A) Notwithstanding anything in the Revised Code to the contrary, the department of education shall not assign an overall letter grade under division (C) (3) of section 3302.03 of the Revised Code for any school district or building for the 2014-2015, 2015-2016, or 2016-2017 school years, may, at the discretion of the state board of education, not assign an individual grade to any component prescribed under division (C) (3) of section 3302.03 of the Revised Code, and shall not rank school districts, community schools established under Chapter 3314. of the Revised Code, or STEM schools established under Chapter 3326. of the Revised Code under section 3302.21 of the Revised Code for those school years. The report card ratings issued for the 2014-2015, 2015-2016, or 2016-2017 school years shall not be considered in determining whether a school district or a school is subject to sanctions or penalties. However, the report card ratings of any previous or subsequent years shall be considered in determining whether a school district or building is subject to sanctions or penalties. Accordingly, the report card ratings for the 2014-2015, 2015-2016, or 2016-2017 school years shall have no effect in determining sanctions or penalties, but shall not create a new starting point for determinations that are based on ratings over multiple years.

(B) The provisions from which a district or school is exempt under division (A) of this section shall be the following:

(1) Any restructuring provisions established under this chapter, except as required under the "No Child Left Behind Act of 2001";

(2) ~~Provisions for the Columbus city school pilot project~~

~~under section 3302.042 of the Revised Code,~~ 49

~~(3)~~ Provisions for academic distress commissions under 50
former section 3302.10 of the Revised Code as it existed prior 51
~~to the effective date of this amendment, October 15, 2015.~~ The 52
provisions of this section do not apply to academic distress 53
commissions under the version of that section as it exists on or 54
~~after the effective date of this amendment, October 15, 2015.~~ 55

~~(4)~~ (3) Provisions prescribing new buildings where 56
students are eligible for the educational choice scholarships 57
under section 3310.03 of the Revised Code; 58

~~(5)~~ (4) Provisions defining "challenged school districts" 59
in which new start-up community schools may be located, as 60
prescribed in section 3314.02 of the Revised Code; 61

~~(6)~~ (5) Provisions prescribing community school closure 62
requirements under section 3314.35 or 3314.351 of the Revised 63
Code. 64

(C) Notwithstanding anything in the Revised Code to the 65
contrary and except as provided in Section 3 of H.B. 7 of the 66
131st general assembly, no school district, community school, or 67
STEM school shall utilize at any time during a student's 68
academic career a student's score on any assessment administered 69
under division (A) of section 3301.0710 or division (B) (2) of 70
section 3301.0712 of the Revised Code in the 2014-2015, 2015- 71
2016, or 2016-2017 school ~~year~~ years as a factor in any decision 72
to promote or to deny the student promotion to a higher grade 73
level or in any decision to grant course credit. No individual 74
student score reports on such assessments administered in the 75
2014-2015, 2015-2016, or 2016-2017 school years shall be 76
released, except to a student's school district or school or to 77

the student or the student's parent or guardian. 78

Sec. 3302.103. Notwithstanding anything to the contrary in 79
section 3302.10 of the Revised Code or division (B)(2)(c) of 80
Section 17 of H.B. 197 of the 133rd general assembly, as 81
subsequently amended: 82

(A) Beginning on the effective date of this section, an 83
academic distress commission established under section 3302.10 84
of the Revised Code on or before the effective date of this 85
section shall begin to transition operational, managerial, and 86
instructional control from the academic distress commission and 87
the chief executive officer appointed by the commission back to 88
the district board of education, if the district for which the 89
commission was established received an overall grade of "D" or 90
higher under division (C)(3) of section 3302.03 of the Revised 91
Code on the state report card for the 2018-2019 school year. 92
During the transition period, the chief executive officer shall 93
work closely with the district board and the district 94
superintendent to increase their ability to resume control of 95
the district and sustain the district's academic improvement 96
over time. 97

(B) During the transition period, the district shall 98
continue to operate under the academic distress commission as 99
prescribed in section 3302.10 of the Revised Code until May 30, 100
2021. On that date, the chief executive officer shall relinquish 101
all operational, managerial, and instructional control of the 102
district to the district board and district superintendent, and 103
the academic distress commission shall cease to exist. 104

(C) The department of education shall pay the remainder of 105
each chief executive officer's contract upon dissolution of the 106
academic distress commission as specified in division (A) of 107

<u>this section.</u>	108
Sec. 3302.12. (A) (1) Except as provided in divisions (C)	109
and (D) of this section, this section applies to a school	110
building that is ranked according to performance index score	111
under section 3302.21 of the Revised Code in the lowest five per	112
cent of public school buildings statewide for three consecutive	113
years and that meets any combination of the following for three	114
consecutive years:	115
(a) The school building is declared to be under an	116
academic watch or in a state of academic emergency under section	117
3302.03 of the Revised Code;	118
(b) The school building that has received a grade of "F"	119
for the value-added progress dimension under division (A) (1) (e),	120
(B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code;	121
(c) The school building that has received an overall grade	122
of "F" under section 3302.03 of the Revised Code.	123
(2) In the case of a building to which this section	124
applies, the district board of education in control of that	125
building shall do one of the following at the conclusion of the	126
school year in which the building first becomes subject to this	127
section:	128
(a) Close the school and direct the district	129
superintendent to reassign the students enrolled in the school	130
to other school buildings that demonstrate higher academic	131
achievement;	132
(b) Contract with another school district or a nonprofit	133
or for-profit entity with a demonstrated record of effectiveness	134
to operate the school;	135

(c) Replace the principal and all teaching staff of the school and, upon request from the new principal, exempt the school from all requested policies and regulations of the board regarding curriculum and instruction. The board also shall distribute funding to the school in an amount that is at least equal to the product of the per pupil amount of state and local revenues received by the district multiplied by the student population of the school.

(d) Reopen the school as a conversion community school under Chapter 3314. of the Revised Code.

(B) If an action taken by the board under division (A) (2) of this section causes the district to no longer maintain all grades kindergarten through twelve, as required by section 3311.29 of the Revised Code, the board shall enter into a contract with another school district pursuant to section 3327.04 of the Revised Code for enrollment of students in the schools of that other district to the extent necessary to comply with the requirement of section 3311.29 of the Revised Code. Notwithstanding any provision of the Revised Code to the contrary, if the board enters into and maintains a contract under section 3327.04 of the Revised Code, the district shall not be considered to have failed to comply with the requirement of section 3311.29 of the Revised Code. If, however, the district board fails to or is unable to enter into or maintain such a contract, the state board of education shall take all necessary actions to dissolve the district as provided in division (A) of section 3311.29 of the Revised Code.

~~(C) If a particular school is required to restructure under this section and a petition with respect to that same school has been filed and verified under divisions (B) and (C)~~

~~of section 3302.042 of the Revised Code, the provisions of that~~ 166
~~section and the petition filed and verified under it shall~~ 167
~~prevail over the provisions of this section and the school shall~~ 168
~~be restructured under that section. However, if division (D) (1),~~ 169
~~(2), or (3) of section 3302.042 of the Revised Code also applies~~ 170
~~to the school, the school shall be subject to restructuring~~ 171
~~under this section and not section 3302.042 of the Revised Code.~~ 172

If the provisions of this section conflict in any way with 173
the requirements of federal law, federal law shall prevail over 174
the provisions of this section. 175

(D) If a school is restructured under this section, 176
section ~~3302.042 or~~ 3302.10 of the Revised Code, or federal law, 177
the school shall not be required to restructure again under 178
state law for three consecutive years after the implementation 179
of that prior restructuring. 180

Sec. 3302.17. (A) Any school building operated by a city, 181
exempted village, or local school district, or a community 182
school established under Chapter 3314. of the Revised Code is 183
eligible to initiate the community learning center process as 184
prescribed by this section. 185

(B) Beginning with the 2015-2016 school year, each 186
district board of education or community school governing 187
authority may initiate a community learning center process for 188
any school building ~~to which this section applies~~ under its 189
control. 190

First, the board or governing authority shall conduct a 191
public information hearing at each school building ~~to which this~~ 192
~~section applies~~ that district board or school governing 193
authority selects to inform the community of the community 194

learning center process. The board or governing authority may do 195
all of the following with regard to the public information 196
hearing: 197

(1) Announce the meeting not less than forty-five days in 198
advance at the school and on the school's or district's web 199
sites and using tools to ensure effective communication with 200
individuals with disabilities; 201

(2) Schedule the meeting for an evening or weekend time; 202

(3) Provide interpretation services and written materials 203
in all languages spoken by five per cent or more of the students 204
enrolled in the school; 205

(4) Provide child care services for parents attending the 206
meeting; 207

(5) Provide parents, students, teachers, nonteaching 208
employees, and community members with the opportunity to speak 209
at the meeting; 210

(6) Comply with section 149.43 of the Revised Code. 211

In preparing for the public information hearing, the board 212
or governing authority shall ensure that information about the 213
hearing is broadly distributed throughout the community. 214

The board or governing authority may enter into an 215
agreement with any civic engagement organizations, community 216
organizations, or employee organizations to support the 217
implementation of the community learning center process. 218

The board or governing authority shall conduct a follow-up 219
hearing at least once annually until action is further taken 220
under the section with respect to the school building or until 221
the conditions described in division (A) of this section no 222

longer apply to the school building. 223

(C) Not sooner than forty-five days after the first public 224
information hearing, the board or governing authority shall 225
conduct an election, by paper ballot, to initiate the process to 226
become a community learning center. Only parents or guardians of 227
students enrolled in the school and students enrolled in a 228
different school operated by a joint vocational school district 229
but are otherwise entitled to attend the school, and teachers 230
and nonteaching employees who are assigned to the school may 231
vote in the election. 232

The board or governing authority shall distribute the 233
ballots by mail and shall make copies available at the school 234
and on the web site of the school. The board or governing 235
authority also may distribute the ballots by directly giving 236
ballots to teachers and nonteaching employees and sending home 237
ballots with every student enrolled in the school building. 238

(D) The board or governing authority shall initiate the 239
transition of the building to a community learning center if the 240
results of the election held under division (C) of this section 241
are as follows: 242

(1) At least fifty per cent of parents and guardians of 243
students enrolled in the eligible school building and students 244
enrolled in a different building operated by a joint vocational 245
school district but who are entitled to attend the school cast 246
ballots by a date set by the board or governing authority, and 247
of those ballots at least sixty-seven per cent are in favor of 248
initiating the process; and 249

(2) At least fifty per cent of teachers and nonteaching 250
employees who are assigned to the school cast ballots by a date 251

set by the board or governing authority, and of those ballots at 252
least sixty-seven per cent are in favor of initiating the 253
process. 254

(E) If a community learning center process is initiated 255
under this section, the board or governing authority shall 256
create a school action team under section 3302.18 of the Revised 257
Code. Within four months upon selection, the school action team 258
shall conduct and complete, in consultation with community 259
partners, a performance audit of the school and review, with 260
parental input, the needs of the school with regard to 261
restructuring under section 3302.10, or 3302.12, ~~or 3302.042~~ of 262
the Revised Code, or federal law. 263

The school action team shall provide quarterly updates of 264
its work in a public hearing that complies with the same 265
specifications prescribed in division (B) of this section. 266

(F) Upon completion of the audit and review, the school 267
action team shall present its findings at a public hearing that 268
complies with the same specifications prescribed in division (B) 269
of this section. After the school action team presents its 270
findings at the public hearing, it shall create a community 271
learning center improvement plan that designates appropriate 272
interventions, which may be based on the recommendations 273
developed by the department under division (H)(1)(b) of this 274
section. 275

If there is a federally mandated school improvement 276
planning process, the team shall coordinate its work with that 277
plan. 278

The school action team shall approve the plan by a 279
majority vote. 280

(G) Upon approval of the plan by the school action team, 281
the team shall submit the community learning center improvement 282
plan to the same individuals described in division (C) of this 283
section. Ballots shall be distributed and an election shall be 284
conducted in the same manner as indicated under that division. 285

The school action team shall submit the plan to the 286
district board of education or community school governing 287
authority, if the results of the election under division (G) of 288
this section are as follows: 289

(1) At least thirty per cent of parents and guardians of 290
students enrolled in the eligible school building and students 291
enrolled in a different building operated by a joint vocational 292
school district but who are entitled to attend the school cast 293
ballots by a date set by the board or governing authority, and 294
of those ballots at least fifty per cent are in favor of 295
initiating the process; and 296

(2) At least thirty per cent of teachers and nonteaching 297
employees who are assigned to the school cast ballots by a date 298
set by the board or governing authority, and of those ballots at 299
least fifty per cent are in favor of initiating the process. 300

The board or governing authority shall evaluate the plan 301
and determine whether to adopt it. The board or governing 302
authority shall adopt the plan in full or adopt portions of the 303
plan. If the board or governing authority does not adopt the 304
plan in full, it shall provide a written explanation of why 305
portions of the plan were rejected. 306

(H) (1) The department shall do all of the following with 307
respect to this section: 308

(a) Adopt rules regarding the elections required under 309

this section;	310
(b) Develop appropriate interventions for a community learning center improvement plan that may be used by a school action team under division (F) of this section;	311 312 313
(c) Publish a menu of programs and services that may be offered by community learning centers. The information shall be posted on the department's web site. To compile this information the department shall solicit input from resource coordinators of existing community learning centers.	314 315 316 317 318
(d) Provide information regarding implementation of comprehensive community-based programs and supportive services including the community learning center model to school buildings meeting any of the following conditions:	319 320 321 322
(i) The building is in improvement status as defined by the "No Child Left Behind Act of 2001" or under an agreement between the Ohio department of education and the United States secretary of education.	323 324 325 326
(ii) The building is a secondary school that is among the lowest achieving fifteen per cent of secondary schools statewide, as determined by the department.	327 328 329
(iii) The building is a secondary school with a graduation rate of sixty per cent or lower for three or more consecutive years.	330 331 332
(iv) The building is a school that the department determines is persistently low-performing.	333 334
(2) The department may do the following with respect to this section:	335 336
(a) Provide assistance, facilitation, and training to	337

school action teams in the conducting of the audit required 338
under this section; 339

(b) Provide opportunities for members of school action 340
teams from different schools to share school improvement 341
strategies with parents, teachers, and other relevant 342
stakeholders in higher performing schools; 343

(c) Provide financial support in a school action team's 344
planning process and create a grant program to assist in the 345
implementation of a qualified community learning center plan. 346

(I) Notwithstanding any provision to the contrary in 347
Chapter 4117. of the Revised Code, the requirements of this 348
section prevail over any conflicting provisions of a collective 349
bargaining agreement entered into on or after ~~the effective date~~ 350
~~of this section~~ October 15, 2015. However, the board or 351
governing authority and the teachers' labor organization may 352
negotiate additional factors to be considered in the adoption of 353
a community learning center plan. 354

Section 2. That existing sections 3302.036, 3302.12, and 355
3302.17 of the Revised Code are hereby repealed. 356

Section 3. That section 3302.042 of the Revised Code is 357
hereby repealed. 358

Section 4. That Sections 10, 11, and 12 of H.B. 164 of the 359
133rd General Assembly be amended to read as follows: 360

Sec. 10. Notwithstanding anything to the contrary in 361
sections 3319.02, 3319.111, ~~and 3319.112,~~ and 3319.113 of the 362
Revised Code, a school district board of education shall not use 363
value-added progress dimension data established under section 364
3302.021 of the Revised Code, any other high-quality student 365
data as defined by the state board of education under section 366

3319.112 of the Revised Code, any other metric used to evaluate 367
positive student outcomes as described under section 3319.113 of 368
the Revised Code, or any other student academic growth data to 369
measure student learning attributable to a teacher ~~or,~~ 370
principal, or school counselor while conducting performance 371
evaluations under sections 3319.02, 3319.111, ~~and 3319.112,~~ and 372
3319.113 of the Revised Code for the 2020-2021 or 2021-2022 373
school year. Rather, a district board shall use only the other 374
evaluation factors and components prescribed under sections 375
3319.02, 3319.111, ~~and 3319.112,~~ and 3319.113 of the Revised 376
Code to conduct a teacher's ~~or,~~ principal's, or school 377
counselor's performance evaluation under those sections for that 378
school year. Nothing in this section shall be construed to 379
prohibit a district board from considering as part of a 380
teacher's ~~or,~~ principal's, or school counselor's evaluation how 381
that teacher ~~or,~~ principal, or school counselor collects, 382
analyzes, and uses student data, including student academic 383
growth data or positive student outcomes data, to adapt 384
instruction to meet individual student needs or to improve the 385
teacher's ~~or,~~ principal's, or student counselor's practice. 386

Sec. 11. Notwithstanding anything to the contrary in 387
section 3319.02 of the Revised Code, a school district board of 388
education may choose to complete the performance evaluation of a 389
principal for the 2019-2020 and 2020-2021 school ~~year~~ years 390
under that section without a student growth measure as part of 391
the evaluation. 392

Sec. 12. (A) As used in this section: 393

(1) "End-of-course examination" means an end-of-course 394
examination prescribed under section 3301.0712 of the Revised 395
Code. 396

(2) "District or school" means any of the following:	397
(a) A city, local, exempted village, or joint vocational school district;	398 399
(b) A community school established under Chapter 3314. of the Revised Code;	400 401
(c) A STEM school established under Chapter 3326. of the Revised Code;	402 403
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	404 405
(e) The State School for the Deaf;	406
(f) The State School for the Blind;	407
(g) A chartered nonpublic school.	408
(3) "Qualifying course" means a course associated with an end-of-course examination.	409 410
<u>(4) "Qualifying student" means a student to whom any of the following apply:</u>	411 412
<u>(1) The student is being quarantined.</u>	413
<u>(2) The student or a member of the student's family is medically compromised and the student cannot attend school or another physical location outside of the home for testing.</u>	414 415 416
<u>(3) The student resides in a geographic area that is subject to an order issued by the Governor, the Department of Health, or the board of health of a city or general health district that requires all persons in that area to remain in their residences.</u>	417 418 419 420 421
<u>(4) The student is receiving instruction primarily through</u>	422

a remote learning model up through the deadline for the end-of- 423
course examination, and the examination cannot be administered 424
remotely. 425

(B) Notwithstanding anything to the contrary in sections 426
3313.618 and 3313.6114 of the Revised Code, a student who was 427
scheduled to take or retake an end-of-course examination in the 428
2019-2020 or 2020-2021 school year, but did not do so because 429
the administration of that examination was canceled or because 430
the student was a qualifying student, may use the student's 431
final course grade in the course associated with that 432
examination in lieu of a score on the examination to satisfy 433
conditions for a high school diploma prescribed under sections 434
3313.618 and 3313.6114 of the Revised Code. A student who was 435
scheduled to take the end-of-course examination for the first 436
time in the 2019-2020 or 2020-2021 school year may use the final 437
course grade for the qualifying course that the student 438
completed in that school year, while a student who was scheduled 439
to retake the examination in the 2019-2020 or 2020-2021 school 440
year may use a final course grade for a qualifying course that 441
the student completed in the 2019-2020 or 2020-2021 school year 442
or a prior school year. For the purposes of determining whether 443
a student satisfies a condition, a final course grade shall be 444
equivalent to a level of skill prescribed under division (B) (5) 445
(a) of section 3301.0712 of the Revised Code or a competency 446
score prescribed under division (B) (10) of that section, as 447
follows: 448

(1) Any "A" letter grade shall be equivalent to an 449
advanced level of skill. 450

(2) Any "B" letter grade shall be equivalent to an 451
accelerated level of skill. 452

(3) Any "C" letter grade shall be equivalent to a proficient level of skill.	453 454
(4) Any "D" letter grade shall be equivalent to a basic level of skill.	455 456
(5) Any "F" letter grade shall be equivalent to a limited level of skill.	457 458
(6) Any "C" letter grade or higher shall be equivalent to a competency score.	459 460
(7) In the case of a course that issues a pass or fail designation rather than a letter grade for a final course grade, a fail designation shall be equivalent to an "F" letter grade and a limited level of skill. For a pass designation, the student's district or school shall determine which level of skill is equivalent to the student's performance in the course. A pass designation also shall be equivalent to a competency score.	461 462 463 464 465 466 467 468
(C) A student who completed a qualifying course in the 2019-2020 <u>or 2020-2021</u> school year shall be deemed to have completed an administration of the end-of-course examination associated with that course for the purposes of determining whether that student may demonstrate competency in a subject area using one of the options prescribed under divisions (B)(1)(a) to (c) of section 3313.618 of the Revised Code.	469 470 471 472 473 474 475
(D) A student who completed a qualifying course in the 2019-2020 <u>or 2020-2021</u> school year may elect to take the end-of-course examination associated with that course in an administration of that examination in a subsequent school year.	476 477 478 479
Section 5. That existing Sections 10, 11, and 12 of H.B. 164 of the 133rd General Assembly are hereby repealed.	480 481

Section 6. That Section 12 of H.B. 197 of the 133rd
General Assembly be amended to read as follows:

Sec. 12. (A) As used in this section:

"Hearing" means an administrative hearing, hearing as
defined in section 119.01 of the Revised Code, or other hearing
at which a person may present written or oral testimony on a
matter before the public body.

"Public body" and "meeting" have the meanings defined in
section 121.22 of the Revised Code.

(B) ~~During the period~~ For the duration of the emergency
declared by Executive Order 2020-01D, issued on March 9, 2020,
~~but not beyond December 1, 2020, if the period of the emergency~~
~~continues beyond that date, or until September 30, 2021,~~ members
of a public body may hold and attend meetings and may conduct
and attend hearings by means of teleconference, video
conference, or any other similar electronic technology and all
of the following apply:

(1) Any resolution, rule, or formal action of any kind
shall have the same effect as if it had occurred during an open
meeting or hearing of the public body.

(2) Notwithstanding division (C) of section 121.22 of the
Revised Code, members of a public body who attend meetings or
hearings by means of teleconference, video conference, or any
other similar electronic technology, shall be considered present
as if in person at the meeting or hearing, shall be permitted to
vote, and shall be counted for purposes of determining whether a
quorum is present at the meeting or hearing.

(3) Public bodies shall provide notification of meetings
and hearings held under this section to the public, to the media

that have requested notification of a meeting, and to the 511
parties required to be notified of a hearing, at least twenty- 512
four hours in advance of the meeting or hearing by reasonable 513
methods by which any person may determine the time, location, 514
and the manner by which the meeting or hearing will be 515
conducted, except in the event of an emergency requiring 516
immediate official action. In the event of an emergency, the 517
public body shall immediately notify the news media that have 518
requested notification or the parties required to be notified of 519
a hearing of the time, place, and purpose of the meeting or 520
hearing. 521

(4) The public body shall provide the public access to a 522
meeting held under this section, and to any hearing held under 523
this section that the public would otherwise be entitled to 524
attend, commensurate with the method in which the meeting or 525
hearing is being conducted, including, but not limited to, 526
examples such as live-streaming by means of the internet, local 527
radio, television, cable, or public access channels, call in 528
information for a teleconference, or by means of any other 529
similar electronic technology. The public body shall ensure that 530
the public can observe and hear the discussions and 531
deliberations of all the members of the public body, whether the 532
member is participating in person or electronically. 533

(C) When members of a public body conduct a hearing by 534
means of teleconference, video conference, or any other similar 535
electronic technology, the public body must establish a means, 536
through the use of electronic equipment that is widely available 537
to the general public, to converse with witnesses, and to 538
receive documentary testimony and physical evidence. 539

(D) The authority granted in this section applies 540

notwithstanding any conflicting provision of the Revised Code. 541
Nothing in this section shall be construed to negate any 542
provision of section 121.22 of the Revised Code, Chapter 119. of 543
the Revised Code, or other section of the Revised Code that is 544
not in conflict with this section. 545

(E) This section is effective ~~during~~ for the duration of 546
the period of the emergency declared by Executive Order 2020- 547
01D, issued on March 9, 2020, ~~or until December 1, 2020, if the~~ 548
~~period of the emergency continues beyond that date~~ or until 549
September 30, 2021. 550

Section 7. That existing Section 12 of H.B. 197 of the 551
133rd General Assembly is hereby repealed. 552

Section 8. That Section 17 of H.B. 197 of the 133rd 553
General Assembly (as amended by H.B. 164 of the 133rd General 554
Assembly) be amended to read as follows: 555

Sec. 17. Notwithstanding anything in the Revised Code or 556
Administrative Code to the contrary, for the 2019-2020 and 2020- 557
2021 school year only ~~years only~~, except as otherwise provided in 558
this section, due to the ~~Director of Health's order under~~ 559
~~section 3701.13 of the Revised Code "In re: Order the Closure of~~ 560
~~All K-12 Schools in the State of Ohio" issued on March 14, 2020,~~ 561
~~or any local board of health order, and any extension of any~~ 562
~~order, based on the~~ implications of COVID-19, all of the 563
following apply: 564

~~(A) (1) Any~~ (A) (1) (a) For the 2019-2020 school year only, 565
any city, exempted village, local, joint vocational, or 566
municipal school district, any community school established 567
under Chapter 3314. of the Revised Code, any STEM school 568
established under Chapter 3326. of the Revised Code, any 569

chartered nonpublic school, and the State School for the Deaf 570
and the State School for the Blind shall not be required to 571
administer the assessments prescribed in sections 3301.0710, 572
3301.0711, 3301.0712, 3313.903, and 3314.017 of the Revised 573
Code, including the Ohio English Language Proficiency Assessment 574
administered to English learners pursuant to division (C) (3) (b) 575
of section 3301.0711 of the Revised Code and the Alternate 576
Assessment for Students with Significant Cognitive Disabilities 577
prescribed in division (C) (1) of section 3301.0711 of the 578
Revised Code. 579

(b) If a waiver from testing requirements prescribed under 580
federal law becomes available from the United States Secretary 581
of Education for the 2020-2021 school year, the Superintendent 582
of Public Instruction shall consult with stakeholders, 583
including, but not limited to, the Buckeye Association of School 584
Administrators, the Ohio School Boards Association, the Ohio 585
Association of School Business Officials, the Ohio Education 586
Association, the Ohio Federation of Teachers, the Ohio Parent 587
Teacher Association, the Ohio Chamber of Commerce, and Ohio 588
Excels, regarding whether to seek that waiver. After consulting 589
with stakeholders, the state Superintendent may submit to the 590
United States Secretary of Education a request for a waiver. 591

(c) If the waiver described in division (A) (1) (b) of this 592
section is granted, for the 2020-2021 school year only, no city, 593
exempted village, local, joint vocational, or municipal school 594
district, any community school established under Chapter 3314. 595
of the Revised Code, any STEM school established under Chapter 596
3326. of the Revised Code, any chartered nonpublic school, and 597
the State School for the Deaf and the State School for the Blind 598
shall be required to administer any of the assessments described 599
in division (A) (1) (a) of this section, except that districts and 600

schools shall administer the assessment prescribed under 601
division (B) (1) of section 3301.0712 of the Revised Code. 602

(2) Any chartered nonpublic school that has chosen to 603
administer assessments under section 3313.619 of the Revised 604
Code that has not administered such assessments by March 17, 605
2020, shall not be required to administer those assessments for 606
the 2019-2020 school year. In addition, any chartered nonpublic 607
school that has chosen to administer assessments under section 608
3313.619 of the Revised Code shall not be required to administer 609
those assessments for the 2020-2021 school year if the school 610
elects not to administer assessments in accordance with division 611
(A) (1) (c) of this section. 612

(3) The Department of Education shall not exclude any 613
student to whom an assessment was not administered in the 2019- 614
2020 or 2020-2021 school year under division (A) of this section 615
from counting in a district's or school's enrollment for the 616
2020-2021 or 2021-2022 school year pursuant to division (L) (3) 617
of section 3314.08, division (E) (3) of section 3317.03, or 618
division (C) of section 3326.37 of the Revised Code. 619

(4) If a student was not administered an assessment in the 620
2019-2020 or 2021-2022 school year under division (A) of this 621
section, that school year shall not count in determining if the 622
student is subject to withdrawal from a school pursuant to 623
section 3313.6410 or 3314.26 of the Revised Code. 624

(5) No student who received a scholarship under the 625
Educational Choice Scholarship Program under section 3310.03 or 626
3310.032 of the Revised Code, the Jon Peterson Special Needs 627
Scholarship Program under section 3310.52 of the Revised Code, 628
or the Pilot Project Scholarship Program under section 3313.975 629
of the Revised Code for the 2019-2020 or 2020-2021 school year 630

shall be considered ineligible to renew that scholarship for the 631
2020-2021 or 2021-2022 school year solely because the student 632
was not administered an assessment in the 2019-2020 or 2020-2021 633
school year under division (A) of this section. 634

(B) (1) The Department of Education shall not publish state 635
report card ratings under section 3302.03, 3302.033, 3314.012, 636
or 3314.017 of the Revised Code for the 2019-2020 and 2020-2021 637
school years nor shall the Department be required to submit 638
preliminary data for the report cards by the thirty-first day of 639
July 31, for 2020, and 2021, as required by those sections. 640
Furthermore, the Department shall not assign an overall letter 641
grade under division (C) (3) of section 3302.03 of the Revised 642
Code for any school district or building, shall not assign an 643
individual grade to any component prescribed under division (C) 644
(3) of section 3302.03 of the Revised Code, shall not assign a 645
grade to any measures under division (C) (1) of section 3302.03 646
of the Revised Code, and shall not rank school districts, 647
community schools, or STEM schools under section 3302.21 of the 648
Revised Code for the 2019-2020 and 2020-2021 school ~~year~~years. 649

However, the Department shall report any data that it has 650
regarding the performance of districts and buildings for the 651
2019-2020 school year by September 15, 2020, and for the 2020- 652
2021 school year, by September 15, 2021. 653

(2) The absence of report card ratings for the 2019-2020_ 654
and 2020-2021 school ~~year~~years shall have no effect in 655
determining sanctions or penalties, and shall not create a new 656
starting point for determinations that are based on ratings over 657
multiple years. The report card ratings of any previous or 658
subsequent years shall be considered in determining whether a 659
school district or building is subject to sanctions or 660

penalties. If a school district or building was subject to any 661
of the following penalties or sanctions in the 2019-2020 or 662
2020-2021 school year based on its report card rating for 663
previous school years, those penalties or sanctions shall remain 664
in effect for the 2020-2021, 2021-2022, and 2022-2023 school 665
yearyears. Those penalties and sanctions include the following: 666

(a) Any restructuring provisions established under Chapter 667
3302. of the Revised Code, except as required under federal law; 668

~~(b) Provisions for the Columbus City School Pilot Project~~ 669
~~under section 3302.042 of the Revised Code;~~ 670

~~(c)~~ Provisions for academic distress commissions under 671
section 3302.10 of the Revised Code. While a district subject to 672
an academic distress commission prior to ~~the effective date of~~ 673
~~this section~~ March 27, 2020, shall be considered to be subject 674
to an academic distress commission for the 2020-2021, 2021-2022, 675
and 2022-2023 school yearyears, ~~that year those years~~ shall not 676
be included for purposes of determining progressive consequences 677
under divisions (H), (I), (J), (K), and (L) of section 3302.10 678
of the Revised Code that are in addition to those that were 679
being exercised by the chief executive officer during the 2019- 680
2020, 2020-2021, and 2021-2022 school year years or for purposes 681
of the appointment of a new board of education under division 682
(K) of that section. Nothing in division (B)(2)(c) of this 683
section shall be construed to limit the powers that the chief 684
executive officer exercised under section 3302.10 of the Revised 685
Code prior to the 2020-2021, 2021-2022, and 2022-2023 school 686
yearyears. 687

~~(d)~~ (c) Provisions prescribing new buildings where 688
students are eligible for the Educational Choice Scholarships 689
under section 3310.03 of the Revised Code; 690

~~(e)~~ (d) Provisions defining "challenged school districts" 691
in which new start-up community schools may be located, as 692
prescribed in section 3314.02 of the Revised Code; 693

~~(f)~~ (e) Provisions prescribing community school closure 694
requirements under section 3314.35 or 3314.351 of the Revised 695
Code; 696

~~(g)~~ (f) Provisions of state or federal law that identify 697
school districts or buildings for comprehensive or targeted 698
support and improvement or additional targeted support and 699
improvement. Districts and buildings so identified shall 700
continue to receive supports and interventions consistent with 701
their support and improvement plans in the 2020-2021, 2021-2022, 702
and 2022-2023 school ~~year~~years. 703

~~(h)~~ (g) Provisions that determine the conditions under 704
which community schools may change sponsors under section 705
3314.034 of the Revised Code. 706

(C) No school district, community school, or STEM school 707
and no chartered nonpublic school that is subject to section 708
3301.163 of the Revised Code shall retain a student in the third 709
grade under that section or section 3313.608 of the Revised Code 710
based solely on a student's academic performance in reading in 711
the 2019-2020 or 2020-2021 school year unless the principal of 712
the school building in which a student is enrolled and the 713
student's reading teacher agree that the student is reading 714
below grade level and is not prepared to be promoted to the 715
fourth grade. 716

(D) (1) Division (D) of this section applies to any student 717
who meets both of the following criteria: 718

(a) The student was enrolled in the twelfth grade in the 719

2019-2020 or 2020-2021 school year or was on track to graduate 720
in the 2019-2020 or 2020-2021 school year, as determined by the 721
school district or other public or chartered nonpublic school in 722
which the student was enrolled, regardless of the graduation 723
cohort in which the student is included. 724

(b) The student had not completed the requirements for a 725
high school diploma under section 3313.61, 3313.612, or 3325.08 726
of the Revised Code or under Section 3 of H.B. 491 of the 132nd 727
General Assembly, ~~as of March 17, 2020.~~ 728

(2) A city, exempted village, local, or municipal school 729
district, a community school, a STEM school, a chartered 730
nonpublic school, the State School for the Blind, and the State 731
School for the Deaf shall grant a high school diploma to any 732
student to whom this section applies, if the student's 733
principal, in consultation with teachers and counselors, reviews 734
the student's progress toward meeting the requirements for a 735
diploma and determines that the student has successfully 736
completed the curriculum in the student's high school or the 737
individualized education program developed for the student by 738
the student's high school pursuant to section 3323.08 of the 739
Revised Code, or qualified under division (D) or (F) of section 740
3313.603 of the Revised Code, at the time the student's school 741
closed pursuant to the Director of Health's order under section 742
3701.13 of the Revised Code "In Re: Order the Closure of All K- 743
12 Schools in the State of Ohio" issued on March 14, 2020, or 744
due to any local board of health order to close schools, or any 745
extension of such an order due to the implications of COVID-19 746
shall continue to so apply, even if the order or extension has 747
been rescinded prior to July 1, 2021. No district or school 748
shall grant a high school diploma under division (D)(2) of this 749
section after September 30, ~~2020~~2021. 750

(3) If the board of education of a school district or the governing authority of a community school, STEM school, chartered nonpublic school, the State School for the Blind, or the State School for the Deaf has adopted a resolution under division (E) of section 3313.603 of the Revised Code requiring a more challenging curriculum than otherwise required under division (C) of that section, the district superintendent or the chief administrator of the school may elect to require only the minimum curriculum specified in division (C) of that section for the purpose of determining if a student to whom division (D) of this section applies has successfully completed the curriculum under division (D) (2) of this section. If such an election is made, the superintendent or chief administrator shall evaluate each student to whom division (D) of this section applies using the minimum curriculum specified in division (C) of this section.

(4) It is the intent of the General Assembly that school districts and other public and private schools do both of the following:

(a) Continue to provide ways to keep students actively engaged in learning opportunities ~~between March 17, 2020, and the remainder of the school year~~ while addressing the implications of COVID-19;

(b) Grant students who need in-person instructional experiences to complete requirements for a diploma or a career-technical education program access to school facilities as soon as it is reasonably possible after the Director of Health permits such access to resume, even if the last instructional day of the school year has already passed.

(E) For the purpose of teacher evaluations conducted under

sections 3319.111 and 3319.112 of the Revised Code, no school 781
district board of education shall use value-added progress 782
dimension data, established under section 3302.021 of the 783
Revised Code, from the 2019-2020 school year to measure student 784
learning attributable to the teacher being evaluated. 785

(F) (1) For community school sponsor evaluations required 786
under section 3314.016 of the Revised Code, the Department shall 787
not issue a rating for the components under division (B) (1) of 788
that section to any sponsor, nor shall the Department issue an 789
overall rating for the sponsor. The Department shall allow a 790
sponsor to indicate that it could not comply with an applicable 791
law or administrative rule or fully adhere to a quality practice 792
because the required action was unable to be completed due to 793
the Director of Health's order under section 3701.13 of the 794
Revised Code "In Re: Order the Closure of All K-12 Schools in 795
the State of Ohio" issued on March 14, 2020, any local board of 796
health order, or any extension of such an order. 797

(2) The absence of community school sponsor ratings for 798
the 2019-2020 and 2020-2021 school ~~year-years~~ shall have no 799
effect in determining sanctions or penalties of a sponsor under 800
Chapter 3314. of the Revised Code and shall not create a new 801
starting point for determinations that are based on ratings over 802
multiple years. The sponsor ratings of any previous or 803
subsequent school years shall be considered when a sponsor is 804
subject to sanctions or penalties under that chapter. A sponsor 805
shall remain eligible in the 2020-2021 and 2021-2022 school ~~year~~ 806
years for any incentives that the sponsor was eligible for in 807
the 2019-2020 or 2020-2021 school year, and the 2019-2020 and 808
2020-2021 school ~~year-years~~ shall not count toward the number of 809
years in which a sponsor subject to division (B) (7) (b) of 810
section 3314.016 of the Revised Code is not required to be 811

evaluated. 812

(G) The Superintendent of Public Instruction may waive the 813
requirement to complete any report prescribed by law that is 814
based on data from assessments that would have been but were not 815
administered during the 2019-2020 or 2020-2021 school year 816
pursuant to division (A) of this section. 817

(H) The Department, on behalf of the State Board of 818
Education, may issue a one-year, nonrenewable provisional 819
license to any individual to practice in any category, type, and 820
level for which the State Board issues a license pursuant to 821
Title XXXVIII of the Revised Code, if the individual has met all 822
requirements for the requested license except for the 823
requirement to pass an examination prescribed by the State Board 824
in the subject area for which application is being made. Any 825
individual to whom a provisional license is issued under this 826
division shall take and pass the appropriate subject area 827
examination prior to expiration of the license as a condition of 828
advancing the license in the appropriate category, type, and 829
level. The Department shall not issue a provisional license 830
under this division that is valid on or after July 1, 2021. 831

(I) The Superintendent of Public Instruction may extend or 832
waive any deadline for an action required of the State Board of 833
Education, the Department of Education, or any person or entity 834
licensed or regulated by the State Board or Department ~~during~~ 835
~~the duration of the Director of Health's order under section~~ 836
~~3701.13 of the Revised Code "In re: Order the Closure of All K-~~ 837
~~12 Schools in the State of Ohio" issued on March 14, 2020, or~~ 838
~~any local board of health order, and any extension of any order,~~ 839
~~based on the implications of COVID-19, as necessary to ensure~~ 840
~~that the safety of students, families, and communities are~~ 841

~~prioritized while continuing to ensure the efficient operation~~ 842
~~of the Department and public and private schools in this state.~~ 843
Deadlines that may be extended or waived by the State 844
Superintendent include, but are not limited to, deadlines 845
related to the following: 846

(1) The conduct of evaluations for school personnel under 847
Chapter 3319. of the Revised Code; 848

(2) Notice of intent not to reemploy school personnel 849
under Chapter 3319. Of the Revised Code; 850

(3) The conduct of school safety drills under section 851
3737.73 of the Revised Code; 852

(4) The emergency management test required by division (E) 853
of section 3313.536 of the Revised Code; 854

(5) The filling of a vacancy in a board of education; 855

(6) Updating of teacher evaluation policies to conform 856
with the framework for evaluation of teachers adopted under 857
section 3319.112 of the Revised Code; 858

(7) Identification and screening of gifted students under 859
Chapter 3324. of the Revised Code. 860

(J) Notwithstanding anything in the Revised Code or 861
Administrative Code to the contrary, the Chancellor of Higher 862
Education, in consultation with the Superintendent of Public 863
Instruction, may waive, extend, suspend, or modify requirements 864
of the College Credit Plus program if the Chancellor, in 865
consultation with the Superintendent, determines the waiver, 866
extension, suspension, or modification is necessary in response 867
to COVID-19. 868

(K) The Superintendent of Public Instruction shall 869

collaborate with providers in the 22+ Adult High School Diploma Program authorized under sections 3314.38, 3317.23, 3317.231, 3317.24, and 3345.86 of the Revised Code and the Adult Diploma Program authorized under section 3313.902 of the Revised Code, and rules adopted thereunder, to ensure that the providers have maximum flexibility to assist students whose progress in the program has been affected by the Director of Health's order to complete the requirements to earn a high school diploma. For this purpose, the State Superintendent may waive or extend deadlines, or otherwise grant providers and students flexibility, for completion of program requirements.

(L) No school district shall require the parent of any student who was instructed at home in accordance with section 3321.04 of the Revised Code for the 2019-2020 or 2020-2021 school year to submit to the district superintendent the academic assessment report required under rule 3301-34-04 of the Administrative Code as a condition of the district allowing the student to continue to receive home instruction for the 2020-2021 or 2021-2022 school year.

(M) Notwithstanding anything in the Revised Code to the contrary, for the 2019-2020 school year, the board of education of any school district that, prior to the Director of Health's order under section 3701.13 of the Revised Code "In re: Order the Closure of All K-12 Schools in the State of Ohio" issued on March 14, 2020, had not completed an evaluation that was required under Chapter 3319. of the Revised Code for ~~the 2019-2020~~ that school year for an employee of the district, including a teacher, administrator, or superintendent, may elect not to conduct an evaluation of the employee for that school year, if the district board determines that it would be impossible or impracticable to do so. For the 2020-2021 school year, the board

of education of any school district that, on or before the 901
effective date of this amendment, has not completed an 902
evaluation that is required under Chapter 3319. of the Revised 903
Code for that school year for an employee of the district, 904
including a teacher, school counselor, administrator, or 905
superintendent, may elect not to conduct an evaluation of the 906
employee for that school year, if the district board determines 907
that it would be impossible or impracticable to do so. If a 908
district board elects not to evaluate an employee for the 2019- 909
2020 or 2020-2021 school year, the employee shall be considered 910
not to have had evaluation procedures complied with pursuant to 911
section 3319.111 of the Revised Code for purposes of section 912
3319.11 of the Revised Code. The district board ~~may~~ shall 913
collaborate with any bargaining organization representing 914
employees of the district in determining whether to complete 915
evaluations for the 2019-2020 or 2020-2021 school year. Nothing 916
in this section shall preclude a district board from using an 917
evaluation completed prior to the Director of Health's order in 918
employment decisions. 919

Section 9. That existing Section 17 of H.B. 197 of the 920
133rd General Assembly (as amended by H.B. 164 of the 133rd 921
General Assembly) is hereby repealed. 922

Section 10. That Section 7 of S.B. 216 of the 132nd 923
General Assembly (as amended by H.B. 164 of the 133rd General 924
Assembly) be amended to read as follows: 925

Sec. 7. Notwithstanding the amendment or repeal of 926
sections 3319.111, 3319.112, and 3319.114 of the Revised Code by 927
S.B. 216 of the 132nd General Assembly, for the 2018-2019 ~~and,~~ 928
2019-2020, and 2020-2021 school years, the following shall 929
apply: 930

(A) Each school district, other than a district 931
participating in the pilot program established under Section 6 932
of S.B. 216 of the 132nd General Assembly, shall conduct teacher 933
evaluations in accordance with those sections as they existed 934
prior to November 2, 2018, except that if the district board of 935
education, in the 2019-2020 or 2020-2021 school year, chooses to 936
complete an evaluation for a teacher to whom division (C) (2) (a) 937
or (b) of section 3319.111 of the Revised Code applies without a 938
student growth measure as part of the evaluation, the board may 939
continue to evaluate that teacher every three or two years, 940
respectively. Any teacher who did not have a student academic 941
growth measure as part of the teacher's evaluation for the 2019- 942
2020 or 2020-2021 school year shall remain at the same point in 943
the teacher's evaluation cycle, and shall retain the same 944
evaluation rating, for the 2020-2021 and 2021-2022 school ~~year-~~ 945
years as for the 2019-2020 school year. 946

(B) Each state agency that employs teachers shall conduct 947
teacher evaluations in accordance with its teacher evaluation 948
policy developed under former division (E) of section 3319.112 949
of the Revised Code, as it existed prior to November 2, 2018. 950

(C) Any reference in law to evaluations conducted under 951
section 3319.111 of the Revised Code shall be construed to 952
include evaluations conducted as required by this section. 953

(D) References to "evaluation procedures" in section 954
3319.11 of the Revised Code shall be construed to include the 955
evaluation procedures required by this section. 956

Section 11. That existing Section 7 of S.B. 216 of the 957
132nd General Assembly (as amended by H.B. 164 of the 133rd 958
General Assembly) is hereby repealed. 959

Section 12. (A) As used in this section:	960
(1) "Administer state assessments" means administering any of the following:	961
(a) The third-grade English language arts assessment prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code;	962
(a) The third-grade English language arts assessment prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code;	963
(a) The third-grade English language arts assessment prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code;	964
(a) The third-grade English language arts assessment prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code;	965
(b) Diagnostic assessments as prescribed under section 3301.079, 3301.0715, 3301.163, and 3313.608 of the Revised Code;	966
(b) Diagnostic assessments as prescribed under section 3301.079, 3301.0715, 3301.163, and 3313.608 of the Revised Code;	967
(b) Diagnostic assessments as prescribed under section 3301.079, 3301.0715, 3301.163, and 3313.608 of the Revised Code;	968
(b) Diagnostic assessments as prescribed under section 3301.079, 3301.0715, 3301.163, and 3313.608 of the Revised Code;	969
(c) The Kindergarten Readiness Assessment in accordance with sections 3301.0715 and 3301.079 of the Revised Code.	968
(c) The Kindergarten Readiness Assessment in accordance with sections 3301.0715 and 3301.079 of the Revised Code.	969
(2) "District or school" means any of the following:	970
(a) A city, local, exempted village, or municipal school district;	971
(a) A city, local, exempted village, or municipal school district;	972
(a) A city, local, exempted village, or municipal school district;	973
(a) A city, local, exempted village, or municipal school district;	974
(b) A community school established under Chapter 3314. of the Revised Code;	973
(b) A community school established under Chapter 3314. of the Revised Code;	974
(b) A community school established under Chapter 3314. of the Revised Code;	975
(b) A community school established under Chapter 3314. of the Revised Code;	976
(c) A STEM school established under Chapter 3326. of the Revised Code;	975
(c) A STEM school established under Chapter 3326. of the Revised Code;	976
(d) The State School for the Deaf;	977
(e) The State School for the Blind;	978
(f) A chartered nonpublic school as defined in section 3310.01 of the Revised Code.	979
(f) A chartered nonpublic school as defined in section 3310.01 of the Revised Code.	980
(B) Notwithstanding anything in the Revised Code to the contrary, for the 2020-2021 school year only, a district or school shall not be penalized for failing to administer state assessments in the fall of the 2020-2021 school year to a particular student if any of the following applies to that student:	981
(B) Notwithstanding anything in the Revised Code to the contrary, for the 2020-2021 school year only, a district or school shall not be penalized for failing to administer state assessments in the fall of the 2020-2021 school year to a particular student if any of the following applies to that student:	982
(B) Notwithstanding anything in the Revised Code to the contrary, for the 2020-2021 school year only, a district or school shall not be penalized for failing to administer state assessments in the fall of the 2020-2021 school year to a particular student if any of the following applies to that student:	983
(B) Notwithstanding anything in the Revised Code to the contrary, for the 2020-2021 school year only, a district or school shall not be penalized for failing to administer state assessments in the fall of the 2020-2021 school year to a particular student if any of the following applies to that student:	984
(B) Notwithstanding anything in the Revised Code to the contrary, for the 2020-2021 school year only, a district or school shall not be penalized for failing to administer state assessments in the fall of the 2020-2021 school year to a particular student if any of the following applies to that student:	985
(B) Notwithstanding anything in the Revised Code to the contrary, for the 2020-2021 school year only, a district or school shall not be penalized for failing to administer state assessments in the fall of the 2020-2021 school year to a particular student if any of the following applies to that student:	986

(1) The student is being quarantined.	987
(2) The student, or a member of the student's family, is medically compromised and the student cannot attend school, or another physical location outside of the home, for testing.	988 989 990
(3) The student resides in a geographic area that is subject to an order issued by the Governor, the Department of Health, or the board of health of a city or general health district that requires all persons in that area to remain in their residences.	991 992 993 994 995
(4) The student is receiving instruction primarily through a remote learning model up through the deadline for the prescribed assessments, and the assessments cannot be administered remotely.	996 997 998 999
(C) Division (B) of this section shall not be construed as prohibiting a district or school from administering state assessments if it elects to do so.	1000 1001 1002
Section 13. (A) As used in this section:	1003
(1) "Public school" means any of the following:	1004
(a) A city, local, exempted village, or municipal school district;	1005 1006
(b) A community school established under Chapter 3314. of the Revised Code;	1007 1008
(c) A STEM school established under Chapter 3326. of the Revised Code.	1009 1010
(2) "Qualifying student" means a student to whom any of the following applies:	1011 1012
(a) The student is being quarantined.	1013

(b) The student, or a member of the student's family, is 1014
medically compromised and the student cannot attend school, or 1015
another physical location outside of the home, for the 1016
screening. 1017

(c) The student resides in a geographic area that is 1018
subject to an order issued by the Governor, the Department of 1019
Health, or the board of health of a city or general health 1020
district that requires all persons in that area to remain in 1021
their residences. 1022

(d) The student is receiving instruction primarily through 1023
a remote learning model, and the required screenings cannot be 1024
administered remotely. 1025

(B) Notwithstanding anything to the contrary in section 1026
3313.673 of the Revised Code, for the 2020-2021 school year 1027
only, all of the following shall apply: 1028

(1) No public school shall be penalized for failing to 1029
conduct health screenings of a kindergarten or first grade 1030
student in accordance with section 3313.673 of the Revised Code 1031
prior to November 1, 2020, if that student was a qualifying 1032
student prior to that date. 1033

(2) Each public school shall conduct health screenings 1034
prescribed under section 3313.673 of the Revised Code for 1035
kindergarten and first grade students who did not receive 1036
screenings in accordance with that section for the 2020-2021 1037
school year prior to the effective date of this section, except 1038
the school may forego screenings until they can be conducted 1039
safely for a particular student if that student is a qualifying 1040
student. 1041

(3) The parent, guardian, or custodian of a kindergarten 1042

or first grade student who is enrolled in a public school and 1043
who has not received a health screening prescribed under section 1044
3313.673 of the Revised Code for the 2020-2021 school year may 1045
request that the school conduct that screening. Upon receiving 1046
the request of the parent, guardian, or custodian, the public 1047
school shall conduct the screening. A public school shall not 1048
deny the request of parent, guardian, or custodian of a 1049
qualifying student. 1050

Section 14. Notwithstanding any provision of the Revised 1051
Code to the contrary, for the 2020-2021 school year only, the 1052
governing authority of a community school established under 1053
Chapter 3314. of the Revised Code, by December 31, 2020, may 1054
submit written notification to a school district board of 1055
education stating that the governing authority is accepting 1056
responsibility to provide or arrange for transportation of the 1057
district's "native students," as defined in section 3314.09 of 1058
the Revised Code, to and from the community school in accordance 1059
with section 3314.091 of the Revised Code. The governing 1060
authority of a community school that accepts responsibility to 1061
provide or arrange for transportation pursuant to this section 1062
shall receive state funding for the entire 2020-2021 school year 1063
in accordance with division (D) of section 3314.091 of the 1064
Revised Code. 1065

Section 15. (A) As used in this section: 1066

(1) "Community school" means a community school 1067
established under Chapter 3314. of the Revised Code; 1068

(2) "Performance-based scholarship" means an Educational 1069
Choice Scholarship that the student qualified for under section 1070
3310.03 of the Revised Code or Section 31 of H.B. 197 of the 1071
133rd General Assembly. 1072

(B) Notwithstanding anything in the Revised Code to the contrary, for any student who received a performance-based scholarship for the 2021-2022 school year, the scholarship amount for that year shall be reduced by a percentage that is equal to the percentage that the per-pupil opportunity grant for community schools, under division (C)(1)(a) of section 3314.08 of the Revised Code, for that year is reduced pursuant to any executive order issued by the Governor under section 126.05 of the Revised Code on or after the effective date of this section. The Department of Education shall make any necessary adjustments to payments and deductions under section 3310.08 of the Revised Code to reflect scholarship amounts reduced under this section.

Section 16. Section 10 of H.B. 164 of the 133rd General Assembly, as amended by this act, and division (E) of section 17 of H.B. 197 of the 133rd General Assembly, as amended by this act, shall be construed as acting in concert with each other and shall not be construed as conflicting with each other.

Section 17. Section 3302.036 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 64 and H.B. 70 of the 131st General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

Section 18. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to ensure that the changes made by this act take effect before or

as soon as possible after the start of the 2020-2021 school
year. Therefore, this act shall go into immediate effect.

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