

AN ACT

To amend Sections 10 and 11 of H.B. 164 of the 133rd General Assembly, Sections 10, 11 as subsequently amended, 12, 13, and 17 as subsequently amended of H.B. 197 of the 133rd General Assembly, Section 27 of H.B. 481 of the 133rd General Assembly, as subsequently amended, and Section 7 of S.B. 216 of the 132nd General Assembly, as subsequently amended, to continue essential operations of state and local government in response to the declared pandemic and global health emergency related to COVID-19 and to declare an emergency.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Sections 10, 11 (as amended by H.B. 614 of the 133rd General Assembly), 12, 13, and 17 (as amended by H.B. 164 of the 133rd General Assembly) of H.B. 197 of the 133rd General Assembly be amended to read as follows:

Sec. 10. (A) ~~During the period 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, Until July 1, 2021,~~ the Director of Agriculture may exempt a school from regulation as a food processing establishment under section 3715.021 of the Revised Code if the school:

- (1) Has been issued a food service operation license under Chapter 3717. of the Revised Code; and
- (2) Is transporting food only for purposes of the Seamless Summer Option Program or the Summer Food Service Program administered by the United States Department of Agriculture.

(B) ~~During the period 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, Until July 1, 2021,~~ the Director of Agriculture may exempt an entity from regulation as a food processing establishment under section 3715.021 of the Revised Code if the entity:

- (1) Has been issued a food service operation license under Chapter 3717. of the Revised Code; and
- (2) Is transporting food only for purposes of the Summer Food Service Program administered by the United States Department of Agriculture.

Sec. 11. (A) As used in this section:

(1) "License" means any license, permit, certificate, commission, charter, registration, card, or other similar authority that is issued or conferred by a state agency, a political subdivision of this state, or an official of a political subdivision of this state.

(2) "Person" has the same meaning as in section 1.59 of the Revised Code.

(3) "State agency" means every organized body, office, or agency established by the laws of

the state for the exercise of any function of state government. "State agency" includes all of the following:

(a) The nonprofit corporation formed under section 187.01 of the Revised Code;

(b) The Public Employees Retirement Board, Board of Trustees of the Ohio Police and Fire Pension Fund, State Teachers Retirement Board, School Employees Retirement Board, and State Highway Patrol Retirement Board;

(c) A state institution of higher education as defined in section 3345.011 of the Revised Code.

(B) If a state agency is required by law to take action ~~during the period of the emergency declared by Executive Order 2020-01D, issued on or after March 9, 2020, but not beyond December 1, 2020, if the period of the emergency continues beyond that date~~ April 1, 2021, notwithstanding the date by which action is required to be taken in accordance with that law, the state agency shall take that action not later than ~~the earlier of either ninety days after the date the emergency ends or December 1, 2020~~ July 1, 2021.

(C)(1) Except as provided in division (E) of this section, if a person is required by law to take action to maintain the validity of a license ~~during the period of the emergency declared by Executive Order 2020-01D, issued on or after March 9, 2020, but not beyond December 1, 2020, if the period of the emergency continues beyond that date~~ April 1, 2021, notwithstanding the date by which action with respect to that license is required to be taken in accordance with that law, the person shall take that action not later than ~~the sooner of either ninety days after the date the emergency ends or December 1, 2020~~ July 1, 2021.

(2) Except as provided in division (E) of this section, a license otherwise expiring pursuant to law ~~during the period of the emergency declared by Executive Order 2020-01D, issued on or after March 9, 2020, but not beyond December 1, 2020, if the period of the emergency continues beyond that date~~ April 1, 2021, notwithstanding the date on which the license expires in accordance with that law, remains valid until ~~the earlier of either ninety days after the date the emergency ends or December 1, 2020~~ July 1, 2021, unless revoked, suspended, or otherwise subject to discipline or limitation under the applicable law for reasons other than delaying taking action to maintain the validity of the license in accordance with division (C)(1) of this section.

(D) Nothing in division (C) of this section limits the authority of a state agency, political subdivision, or official that issues a license to take disciplinary action under the applicable law against a person with respect to a license, provided that a state agency, political subdivision, or official shall not take disciplinary action against a person who delays in taking action to maintain the validity of the license in accordance with division (C)(1) of this section.

(E)(1) If a concealed handgun license has been issued to a person under section 2923.125 of the Revised Code and if the date on which that license was, or is, scheduled to expire falls on or after March 9, 2020, but not beyond June 30, 2021, notwithstanding that date of scheduled expiration or any other provision of law to the contrary, the date on which that license was, or is, scheduled to expire is hereby extended to the later of either ninety days or June 30, 2021, with the ninety-day extension period commencing on that date of scheduled expiration.

(2) Division (E)(1) of this section applies with respect to a concealed handgun license that is described in that division even if the date of scheduled expiration of that license occurred prior to the effective date of this section, as amended.

(F) If division (E)(1) of this section applies with respect to a concealed handgun license, during the extension period described in that division that is applicable to that license and during the thirty-day grace period provided subsequent to the license's expiration under division (A) of section 2923.126 of the Revised Code, both of the following apply:

(1) The license shall be valid for all purposes under the law of this state.

(2) The person to whom the license was issued shall be considered for all purposes under the law of this state to be a holder of a valid license to carry a concealed handgun.

(G) If division (E) of this section applies with respect to a concealed handgun license:

(1) The application of that division does not affect the operation of section 2923.128 of the Revised Code, during the applicable extension period described in that division or at any other time.

(2) The provisions of section 2923.128 of the Revised Code requiring the suspension or revocation of a concealed handgun license for specified conduct, or for a specified activity or factor, apply to the license with respect to which division (E) of this section applies and to the person to whom the license was issued, during the applicable extension period described in that division or at any other time.

(H) This section does not apply to any of the following:

(1) An offender who has violent offender database duties as defined in section 2903.41 of the Revised Code;

(2) An offender who has a duty to register under section 2909.15 of the Revised Code;

(3) An offender who has a duty to register under section 2950.04 or 2950.041 of the Revised Code.

(I) No cause of action accrues due to the delay of an action taken under division (B), (C), or (E) of this section.

(J) The General Assembly encourages any person to whom the extension of time described in division (C)(1) or (E) of this section applies to make all reasonable efforts, taking into consideration the detrimental risks of COVID-19 to the health and safety of the person and other individuals, to take action with respect to a license within the extension granted under that division before the extension elapses.

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

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

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

(D) The authority granted in this section applies notwithstanding any conflicting provision of the Revised Code. Nothing in this section shall be construed to negate any provision of section 121.22 of the Revised Code, Chapter 119. of the Revised Code, or other section of the Revised Code that is not in conflict with this section.

(E) This section is effective ~~during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, or until December 1, 2020~~ July 1, 2021, if the period of the emergency continues beyond that date.

Sec. 13. (A) As used in this section:

(1) "PERS retirant" and "other system retirant" have the same meanings as in section 145.38 of the Revised Code.

(2) "Public employer" has the same meaning as in section 145.01 of the Revised Code.

(B) ~~During the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, but not beyond December 1, 2020, if the period of emergency goes beyond that date~~ Until July 1, 2021, a PERS retirant or other system retirant who is employed by any of the following public employers shall not be required to forfeit the retirant's retirement allowance as described in division (B)(4) of section 145.38 of the Revised Code:

- (1) The Department of Rehabilitation and Correction;
- (2) The Department of Youth Services;

- (3) The Department of Mental Health and Addiction Services;
- (4) The Department of Veterans Services;
- (5) The Department of Developmental Disabilities.

Sec. 17. Notwithstanding anything in the Revised Code or Administrative Code to the contrary, for the 2019-2020 school year only, except as otherwise provided in this section, due 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, or any local board of health order, and any extension of any order, based on the implications of COVID-19, all of the following apply:

(A)(1) Any city, exempted village, local, joint vocational, or municipal school district, any community school established under Chapter 3314. of the Revised Code, any STEM school established under Chapter 3326. of the Revised Code, any chartered nonpublic school, and the State School for the Deaf and the State School for the Blind shall not be required to administer the assessments prescribed in sections 3301.0710, 3301.0711, 3301.0712, 3313.903, and 3314.017 of the Revised Code, including the Ohio English Language Proficiency Assessment administered to English learners pursuant to division (C)(3)(b) of section 3301.0711 of the Revised Code and the Alternate Assessment for Students with Significant Cognitive Disabilities prescribed in division (C)(1) of section 3301.0711 of the Revised Code.

(2) Any chartered nonpublic school that has chosen to administer assessments under section 3313.619 of the Revised Code that has not administered such assessments by March 17, 2020, shall not be required to administer those assessments.

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

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

(5) No student who received a scholarship under the Educational Choice Scholarship Program under section 3310.03 or 3310.032 of the Revised Code, the Jon Peterson Special Needs Scholarship Program under section 3310.52 of the Revised Code, or the Pilot Project Scholarship Program under section 3313.975 of the Revised Code for the 2019-2020 school year shall be considered ineligible to renew that scholarship for the 2020-2021 school year solely because the student was not administered an assessment in the 2019-2020 school year under division (A) of this section.

(B)(1) The Department of Education shall not publish state report card ratings under section 3302.03, 3302.033, 3314.012, or 3314.017 of the Revised Code nor shall the Department be required to submit preliminary data for the report cards by July 31, 2020, as required by those sections. Furthermore, the Department 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, shall not assign an individual grade to any component prescribed under division (C)(3) of section 3302.03 of the Revised Code, shall not assign a grade to any measures under division (C)(1) of section 3302.03 of the Revised Code, and shall not rank school districts, community schools, or STEM schools under section 3302.21 of the

Revised Code for the 2019-2020 school year.

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

(2) The absence of report card ratings for the 2019-2020 school year shall have no effect in determining sanctions or penalties, and shall not create a new starting point for determinations that are based on ratings over multiple years. 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. If a school district or building was subject to any of the following penalties or sanctions in the 2019-2020 school year based on its report card rating for previous school years, those penalties or sanctions shall remain for the 2020-2021 school year. Those penalties and sanctions include the following:

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

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

(c) Provisions for academic distress commissions under section 3302.10 of the Revised Code. While a district subject to an academic distress commission prior to ~~the effective date of this section~~ March 27, 2020, shall be considered to be subject to an academic distress commission for the 2020-2021 school year, that year shall not be included for purposes of determining progressive consequences under divisions (H), (I), (J), (K), and (L) of section 3302.10 of the Revised Code that are in addition to those that were being exercised by the chief executive officer during the 2019-2020 school year or for purposes of the appointment of a new board of education under division (K) of that section. Nothing in division (B)(2)(c) of this section shall be construed to limit the powers that the chief executive officer exercised under section 3302.10 of the Revised Code prior to the 2020-2021 school year.

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

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

(f) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised Code;

(g) Provisions of state or federal law that identify school districts or buildings for comprehensive or targeted support and improvement or additional targeted support and improvement. Districts and buildings so identified shall continue to receive supports and interventions consistent with their support and improvement plans in the 2020-2021 school year.

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

(C) No school district, community school, or STEM school and no chartered nonpublic school that is subject to section 3301.163 of the Revised Code shall retain a student in the third grade under that section or section 3313.608 of the Revised Code based solely on a student's academic performance in reading in the 2019-2020 school year unless the principal of the school building in which a student is enrolled and the student's reading teacher agree that the student is reading below

grade level and is not prepared to be promoted to the fourth grade.

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

(a) The student was enrolled in the twelfth grade in the 2019-2020 school year or was on track to graduate in the 2019-2020 school year, as determined by the school district or other public or chartered nonpublic school in which the student was enrolled, regardless of the graduation cohort in which the student is included.

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

(2) A city, exempted village, local, or municipal school district, a community school, a STEM school, a chartered nonpublic school, the State School for the Blind, and the State School for the Deaf shall grant a high school diploma to any student to whom this section applies, if the student's principal, in consultation with teachers and counselors, reviews the student's progress toward meeting the requirements for a diploma and determines that the student has successfully completed the curriculum in the student's high school or the individualized education program developed for the student by the student's high school pursuant to section 3323.08 of the Revised Code, or qualified under division (D) or (F) of section 3313.603 of the Revised Code, at the time the student's school closed pursuant 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. No district or school shall grant a high school diploma under division (D)(2) of this section after September 30, 2020.

(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;

(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 district board of education shall use value-added progress dimension

data, established under section 3302.021 of the Revised Code, from the 2019-2020 school year to measure student learning attributable to the teacher being evaluated.

(F)(1) For community school sponsor evaluations required under section 3314.016 of the Revised Code, the Department shall not issue a rating for the components under division (B)(1) of that section to any sponsor, nor shall the Department issue an overall rating for the sponsor. The Department shall allow a sponsor to indicate that it could not comply with an applicable law or administrative rule or fully adhere to a quality practice because the required action was unable to be completed due 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, any local board of health order, or any extension of an order.

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

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

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

(I) The Superintendent of Public Instruction may extend or waive any deadline for an action required of the State Board of Education, the Department of Education, or any person or entity licensed or regulated by the State Board or Department during the duration of 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, or any local board of health order, and any extension of any order, based on the implications of COVID-19, as necessary to ensure that the safety of students, families, and communities are prioritized while continuing to ensure the efficient operation of the Department and public and private schools in this state. Deadlines that may be extended or waived by the State Superintendent include, but are not limited to, deadlines related to the following:

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

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

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

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

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

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

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

(J) Notwithstanding anything in the Revised Code or Administrative Code to the contrary, for the 2019-2020, 2020-2021, and 2021-2022 school years only, the Chancellor of Higher Education, in consultation with the Superintendent of Public Instruction, may waive, extend, suspend, or modify requirements of the College Credit Plus program if the Chancellor, in consultation with the Superintendent, determines the waiver, extension, suspension, or modification is necessary in response to COVID-19.

(K) The Superintendent of Public Instruction shall 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 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 school year.

(M) Notwithstanding anything in the Revised Code to the contrary, 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 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. If a district board elects not to evaluate an employee for the 2019-2020 school year, the employee shall be considered not to have had evaluation procedures complied with pursuant to section 3319.111 of the Revised Code for purposes of section 3319.11 of the Revised Code. The district board may collaborate with any bargaining organization representing employees of the district in determining whether to complete evaluations for the 2019-2020 school year. Nothing in this section shall preclude a district board from using an evaluation completed prior to the Director of Health's order in employment decisions.

SECTION 2. That existing Sections 10, 11 (as amended by H.B. 614 of the 133rd General Assembly), 12, 13, and 17 (as amended by H.B. 164 of the 133rd General Assembly) of H.B. 197 of the 133rd General Assembly are hereby repealed.

SECTION 3. That Sections 10 and 11 of H.B. 164 of the 133rd General Assembly be amended to read as follows:

Sec. 10. Notwithstanding anything to the contrary in sections 3319.02, 3319.111, ~~and 3319.112, and 3319.113~~ of the Revised Code, a school district board of education shall not use value-added progress dimension data established under section 3302.021 of the Revised Code, any other high-quality student data as defined by the state board of education under section 3319.112 of the Revised Code, any other metric used to evaluate positive student outcomes as described under section 3319.113 of the Revised Code, or any other student academic growth data to measure student learning attributable to a teacher ~~or~~ principal, or school counselor while conducting performance evaluations under sections 3319.02, 3319.111, ~~and 3319.112, and 3319.113~~ of the Revised Code for the 2020-2021 or 2021-2022 school year. Rather, a district board shall use only the other evaluation factors and components prescribed under sections 3319.02, 3319.111, ~~and 3319.112, and 3319.113~~ of the Revised Code to conduct a teacher's ~~or~~ principal's, or school counselor's performance evaluation under those sections for that school year. Nothing in this section shall be construed to prohibit a district board from considering as part of a teacher's ~~or~~ principal's, or school counselor's evaluation how that teacher ~~or~~ principal, or school counselor collects, analyzes, and uses student data, including student academic growth data or positive student outcomes data, to adapt instruction to meet individual student needs or to improve the teacher's ~~or~~ principal's, or student counselor's practice.

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

SECTION 4. That existing Sections 10 and 11 of H.B. 164 of the 133rd General Assembly are hereby repealed.

SECTION 5. That Section 7 of S.B. 216 of the 132nd General Assembly (as amended by H.B. 164 of the 133rd General Assembly) be amended to read as follows:

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

(A) Each school district, other than a district participating in the pilot program established under Section 6 of S.B. 216 of the 132nd General Assembly, shall conduct teacher evaluations in accordance with those sections as they existed prior to November 2, 2018, except that if the district board of education, in the 2019-2020 or 2020-2021 school year, chooses to complete an evaluation for a teacher to whom division (C)(2)(a) or (b) of section 3319.111 of the Revised Code applies without a student growth measure as part of the evaluation, the board may continue to evaluate that

teacher every three or two years, respectively. Any teacher who did not have a student academic growth measure as part of the teacher's evaluation for the 2019-2020 or 2020-2021 school year shall remain at the same point in the teacher's evaluation cycle, and shall retain the same evaluation rating, for the 2020-2021 and 2021-2022 school year-years as for the 2019-2020 school year.

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

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

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

SECTION 6. That existing Section 7 of S.B. 216 of the 132nd General Assembly (as amended by H.B. 164 of the 133rd General Assembly) is hereby repealed.

SECTION 7. That Section 27 of H.B. 481 of the 133rd General Assembly (as amended by H.B. 614 of the 133rd General Assembly) be amended to read as follows:

Sec. 27. (A) For the purpose of this section:

(1) "Subdivision" means a county, township, or municipal corporation, and does not include a park district.

(2) "Ineligible subdivision" means a county or municipal corporation receiving a direct payment under section 5001 of the "Coronavirus Aid, Relief, and Economic Security Act," as described in 42 U.S.C. 801(b)(2).

(3) "2019 LGF allocation" means the amount that would have been deposited to a county's county undivided local government fund in 2019 disregarding any reduction under section 5747.502 of the Revised Code and excluding any amounts deposited in that fund that were paid in that year to ineligible subdivisions or pursuant to section 5747.503 of the Revised Code.

(4) "2019 CULGF allocation" means the amount of funds from a county's county undivided local government fund a subdivision would have received in 2019 under section 5747.51 or 5747.53 of the Revised Code disregarding any reduction under section 5747.502 of the Revised Code and any adjustment because the subdivision, pursuant to an ordinance or resolution, elected to forgo all or a portion of its share of such funds.

(5) "Population" means the most recent population estimate published by the Development Services Agency and based on the American Community Survey, as published by the United States Census Bureau. The population of a township includes only the population of the township's unincorporated area.

(B) As soon as is practicable after the effective date of this section, the Director of Budget and Management, in consultation with the Tax Commissioner, shall provide for payment from the Coronavirus Relief Fund to each county treasury, to be deposited into a new fund in the county treasury to be named the county coronavirus relief distribution fund, which the county auditor shall create for this purpose. The amount of the payment to each county coronavirus relief distribution

fund shall equal the amount appropriated under Section 28 of this act multiplied by a fraction, the numerator of which is the 2019 LGF allocation for that county and the denominator of which is the sum of the 2019 LGF allocations for all counties.

(C) Within seven days of deposit in the county coronavirus relief distribution fund of the payment described in division (B) of this section, the county auditor shall distribute that money to the county, unless the county is an ineligible subdivision, and to each municipal corporation and township that is not an ineligible subdivision, in an amount equal to the amount of money in that fund multiplied by a fraction, the numerator of which equals the subdivision's 2019 CULGF allocation and the denominator of which equals the sum of the 2019 CULGF allocations from that county's county undivided local government fund for all such subdivisions.

Upon making the distribution, the county auditor shall report to the Director of Budget and Management the amount distributed to each subdivision. The report shall be made in the manner prescribed by the Director.

(D) To be eligible to receive a payment under division (C) of this section, the legislative authority of a county, township, or municipal corporation must adopt a resolution or ordinance affirming that the funds so received may be expended only to cover costs of the subdivision consistent with the requirements of section 5001 of the "Coronavirus Aid, Relief, and Economic Security Act," as described in 42 U.S.C. 801(d), and any applicable regulations. Subject to division (F) of this section, until the legislative authority adopts this resolution or ordinance, the subdivision's share of the money from the county coronavirus relief distribution fund shall remain in that fund. The legislative authority shall certify a copy of the resolution or ordinance to the county auditor and the Director of Budget and Management.

(E) Money received under division (C) of this section by a subdivision shall be deposited into a new fund in the subdivision's treasury to be named the local coronavirus relief fund, which the subdivision's fiscal officer shall create for this purpose. Money in that fund shall be used to cover only costs of the subdivision consistent with the requirements of section 5001 of the "Coronavirus Aid, Relief, and Economic Security Act," as described in 42 U.S.C. 801(d). Money in a subdivision's local coronavirus relief fund shall be audited by the Auditor of State during the subdivision's next regular audit under section 117.11 of the Revised Code to determine whether money in the fund has been expended in accordance with the requirements of this section.

(F)(1) Not later than November 20, 2020, the fiscal officer of each subdivision shall pay the unencumbered balance of money in the subdivision's local coronavirus relief fund to the county treasurer, who shall deposit this revenue in the county coronavirus relief distribution fund. If the subdivision is located within more than one county, the subdivision's fiscal officer shall apportion and pay the unencumbered balance of money in the fund among the counties in which it is located proportionally, based on the cumulative amount of money the subdivision received from each such county's coronavirus relief distribution fund under division (C) of this section, division (C) of Section 4 of H.B. 614 of the 133rd General Assembly, and any other appropriations approved by the Controlling Board. On or before November 25, 2020, the county auditor shall distribute all money to the credit of the county coronavirus relief distribution fund to the county and to each municipal corporation and township fully or partially located within that county, unless the subdivision is an ineligible subdivision or paid an unencumbered balance to the treasurer under this division or the

subdivision's legislative authority has not adopted the resolution or ordinance required under division (D) of this section. Subject to ~~division~~ divisions (F)(2) and (3) of this section, the money shall be distributed as follows:

(a) Twenty-five per cent of the money to the county if it qualifies for a distribution under division (F)(1) of this section;

(b) The remaining balance to each such qualifying municipal corporation or township, of which the distribution to each shall equal the amount of the remaining balance multiplied by a fraction, the numerator of which is the population of the municipal corporation or the township, and the denominator of which is the sum of the populations of all such municipal corporations and townships in the county that qualify for a distribution under division (F)(1) of this section. Only the portion of a municipal corporation's or township's population that resides in the county shall be included in computing that numerator and denominator.

(2) If fewer than twenty-five per cent of the municipal corporations and townships with a population that resides in a county qualify for a distribution under division (F)(1) of this section, "fifty per cent" shall be substituted for "twenty-five per cent" in computing the amount of money to be distributed to the county under division (F)(1)(a) of this section if the county qualifies for such a distribution.

(3) Any money in a county coronavirus relief distribution fund that cannot be distributed under division (F)(1) of this section because no subdivision qualifies for a distribution, or because only the county qualifies for a distribution, shall be paid to the state treasury in the manner prescribed by the Director of Budget and Management.

(4) Money received by a subdivision under division (F)(1) of this section shall be deposited in the subdivision's local coronavirus relief fund and used as required under division (E) of this section.

~~(4)~~(5) Upon making the distribution under division (F)(1) of this section, the county auditor shall report to the Director of Budget and Management the amount of the unencumbered balance paid to the county treasury by each subdivision making such a payment and the amount distributed to each subdivision receiving a distribution under this division. If no subdivision made such a payment to the county treasury, the auditor shall report that no such payments were made. The report shall be made in the manner prescribed by the Director.

(G) Not later than February 1, 2021, the fiscal officer of each subdivision shall pay the unexpended balance of money in the subdivision's local coronavirus relief fund to the state treasury in the manner prescribed by the Director of Budget and Management. This division does not authorize any subdivision to use money in its local coronavirus relief fund for expenses incurred after December 30, 2020. A subdivision's local coronavirus relief fund may be held open during the period beginning December 31, 2020, and ending February 1, 2021, only for account reconciliation and other similar purposes.

(H) A county, municipal corporation, or township receiving a payment from a county coronavirus relief distribution fund under this section shall, upon request, provide any information related to those payments or their expenditure to the Director of Budget and Management.

SECTION 8. That existing Section 27 of H.B. 481 of the 133rd General Assembly (as amended

by H.B. 614 of the 133rd General Assembly) is hereby repealed.

SECTION 9. The amendment by this act of Section 27 of H.B. 481 of the 133rd General Assembly applies to all amounts distributed to a county coronavirus relief distribution fund under that Section or Section 4 of H.B. 614 of the 133rd General Assembly, including appropriations in Section 28 of H.B. 481 of the 133rd General Assembly and Section 8 of H.B. 614 of the 133rd General Assembly, as well as all appropriations approved by the Controlling Board and distributed to such a fund before, on, or after the effective date of this section.

SECTION 10. (A) As used in this section:

(1) "Administer state assessments" means administering any of the following:

(a) The third-grade English language arts assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code;

(b) Diagnostic assessments as prescribed under sections 3301.079, 3301.0715, 3301.163, and 3313.608 of the Revised Code;

(c) The Kindergarten Readiness Assessment in accordance with sections 3301.0715 and 3301.079 of the Revised Code.

(2) "District or school" means any of the following:

(a) A city, local, exempted village, or municipal school district;

(b) A community school established under Chapter 3314. of the Revised Code;

(c) A STEM school established under Chapter 3326. of the Revised Code;

(d) The State School for the Deaf;

(e) The State School for the Blind;

(f) A chartered nonpublic school as defined in section 3310.01 of the Revised Code.

(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:

(1) The student is being quarantined.

(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.

(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.

(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.

(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.

SECTION 11. (A) As used in this section:

(1) "Public school" means any of the following:

- (a) A city, local, exempted village, or municipal school district;
- (b) A community school established under Chapter 3314. of the Revised Code;
- (c) A STEM school established under Chapter 3326. of the Revised Code.
- (2) "Qualifying student" means a student to whom any of the following applies:

- (a) The student is being quarantined.
- (b) 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 the screening.

- (c) 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.

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

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

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

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

- (3) The parent, guardian, or custodian of a kindergarten or first grade student who is enrolled in a public school and who has not received a health screening prescribed under section 3313.673 of the Revised Code for the 2020-2021 school year may request that the school conduct that screening. Upon receiving the request of the parent, guardian, or custodian, the public school shall conduct the screening. A public school shall not deny the request of parent, guardian, or custodian of a qualifying student.

SECTION 12. 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 H.B. 164 of the 133rd General Assembly, shall be construed as acting in concert with each other and shall not be construed as conflicting with each other.

SECTION 13. Notwithstanding anything in the Revised Code or Administrative Code to the contrary, for the 2020-2021 school year only, the board of education of any school district that, on or before the effective date of this section, has not completed an evaluation that is required under Chapter 3319. of the Revised Code for that school year for an employee of the district, including a teacher, school counselor, 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. If a district board elects not to evaluate an employee for the 2020-2021 school

year, the employee shall be considered not to have had evaluation procedures complied with pursuant to section 3319.111 of the Revised Code for purposes of section 3319.11 of the Revised Code. The district board may collaborate with any bargaining organization representing employees of the district in determining whether to complete evaluations for the 2020-2021 school year. Nothing in this section shall preclude a district board from using an evaluation completed prior to the effective date of this section in employment decisions.

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

SECTION 15. 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 continue essential operation of various facets of state and local government and respond to the declared pandemic and global health emergency related to COVID-19. Therefore, this act shall go into immediate effect.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

This act is not of a general and permanent nature and does not require a code section number.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____