

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 319

Senator Huffman, M.

A BILL

To amend Section 265.210 of H.B. 166 of the 133rd
General Assembly, Sections 16 and 17 of H.B. 197
of the 133rd General Assembly, and Section 7 of
S.B. 216 of the 132nd General Assembly to make
changes to education law for the 2020-2021
school year in response to implications of
COVID-19, to require the Department of Education
to make an additional payment in fiscal year
2020 or 2021 to certain school districts that
experience a decrease in the taxable value of
the district's utility tangible personal
property, to permit furloughing of certain
school employees through June 30, 2021, and to
declare an emergency.

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

Section 1. That Section 265.210 of H.B. 166 of the 133rd
General Assembly be amended to read as follows:

Sec. 265.210. FOUNDATION FUNDING

Of the foregoing appropriation item 200550, Foundation
Funding, up to \$40,000,000 in each fiscal year shall be used to

provide additional state aid to school districts, joint 20
vocational school districts, community schools, and STEM schools 21
for special education students under division (C) (3) of section 22
3314.08, section 3317.0214 and division (B) of section 3317.16 23
in accordance with the section of H.B. 166 of the 133rd General 24
Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 25
2021," and section 3326.34 of the Revised Code, except that the 26
Controlling Board may increase these amounts if presented with 27
such a request from the Department of Education at the final 28
meeting of the fiscal year. 29

Of the foregoing appropriation item 200550, Foundation 30
Funding, up to \$3,800,000 in each fiscal year shall be used to 31
fund gifted education at educational service centers. The 32
Department shall distribute the funding through the unit-based 33
funding methodology in place under division (L) of section 34
3317.024, division (E) of section 3317.05, and divisions (A), 35
(B), and (C) of section 3317.053 of the Revised Code as they 36
existed prior to fiscal year 2010. 37

Of the foregoing appropriation item 200550, Foundation 38
Funding, up to \$40,000,000 in each fiscal year shall be reserved 39
to fund the state reimbursement of educational service centers 40
under the section of H.B. 166 of the 133rd General Assembly 41
entitled "EDUCATIONAL SERVICE CENTERS FUNDING." 42

Of the foregoing appropriation item 200550, Foundation 43
Funding, up to \$3,500,000 in each fiscal year shall be 44
distributed to educational service centers for School 45
Improvement Initiatives and for the provision of technical 46
assistance to schools and districts consistent with requirements 47
of section 3312.01 of the Revised Code. The Department may 48
distribute these funds through a competitive grant process. 49

Of the foregoing appropriation item 200550, Foundation 50
Funding, up to \$7,000,000 in each fiscal year shall be reserved 51
for payments under section 3317.029 of the Revised Code, in 52
accordance with the section of H.B. 166 of the 133rd General 53
Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 54
2021~~7~~," and Section 7 of .B. of the 133rd General 55
Assembly. If this amount is not sufficient, the Superintendent 56
of Public Instruction may reallocate excess funds for other 57
purposes supported by this appropriation item in order to fully 58
pay the amounts required by that section, provided that the 59
aggregate amount appropriated in appropriation item 200550, 60
Foundation Funding, is not exceeded. 61

Of the foregoing appropriation item 200550, Foundation 62
Funding, up to \$26,400,000 in each fiscal year shall be used to 63
support school choice programs. 64

Of the portion of the funds distributed to the Cleveland 65
Municipal School District under this section, up to \$23,501,887 66
in each fiscal year shall be used to operate the school choice 67
program in the Cleveland Municipal School District under 68
sections 3313.974 to 3313.979 of the Revised Code. 69
Notwithstanding divisions (B) and (C) of section 3313.978 and 70
division (C) of section 3313.979 of the Revised Code, up to 71
\$1,000,000 in each fiscal year of this amount shall be used by 72
the Cleveland Municipal School District to provide tutorial 73
assistance as provided in division (H) of section 3313.974 of 74
the Revised Code. The Cleveland Municipal School District shall 75
report the use of these funds in the district's three-year 76
continuous improvement plan as described in section 3302.04 of 77
the Revised Code in a manner approved by the Department. 78

Of the foregoing appropriation item 200550, Foundation 79

Funding, up to \$2,000,000 in each fiscal year may be used for 80
payment of the College Credit Plus Program for students 81
instructed at home pursuant to section 3321.04 of the Revised 82
Code. An amount equal to the unexpended, unencumbered balance of 83
this earmark at the end of fiscal year 2020 is hereby 84
reappropriated for the same purpose for fiscal year 2021. 85

Of the foregoing appropriation item 200550, Foundation 86
Funding, an amount shall be available in each fiscal year to be 87
paid to joint vocational school districts in accordance with the 88
section of H.B. 166 of the 133rd General Assembly entitled 89
"FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 90

Of the foregoing appropriation item 200550, Foundation 91
Funding, up to \$700,000 in each fiscal year shall be used by the 92
Department for a program to pay for educational services for 93
youth who have been assigned by a juvenile court or other 94
authorized agency to any of the facilities described in division 95
(A) of the section of H.B. 166 of the 133rd General Assembly 96
entitled "PRIVATE TREATMENT FACILITY PROJECT." 97

Of the foregoing appropriation item 200550, Foundation 98
Funding, a portion may be used to pay college-preparatory 99
boarding schools the per pupil boarding amount pursuant to 100
section 3328.34 of the Revised Code. 101

Of the foregoing appropriation item 200550, Foundation 102
Funding, a portion in each fiscal year shall be used to pay 103
community schools and STEM schools the amounts calculated for 104
the graduation and third-grade reading bonuses under sections 105
3314.085 and 3326.41 of the Revised Code, in accordance with the 106
sections of H.B. 166 of the 133rd General Assembly entitled 107
"FUNDING FOR COMMUNITY SCHOOLS" and "FUNDING FOR STEM SCHOOLS." 108

Of the foregoing appropriation item 200550, Foundation 109
Funding, up to \$1,172,000 in fiscal year 2020 and up to 110
\$1,760,000 in fiscal year 2021 may be used by the Department for 111
duties and activities related to the establishment of academic 112
distress commissions under section 3302.10 of the Revised Code, 113
to provide support and assistance to academic distress 114
commissions to further their duties under Chapter 3302. of the 115
Revised Code, and to provide technical assistance and tools to 116
support districts subject to academic distress commissions. 117

Of the foregoing appropriation item 200550, Foundation 118
Funding, up to \$350,000 in fiscal year 2020 shall be used by the 119
Department of Education to conduct return on investment studies 120
for programming funded through student success and wellness 121
funds and to provide technical assistance to school districts on 122
implementing these strategies. 123

Of the foregoing appropriation item 200550, Foundation 124
Funding, up to \$100,000 in each fiscal year shall be used to 125
make payments under section 3314.06 of the Revised Code to each 126
community school that operates a program that uses the 127
Montessori method endorsed by the American Montessori society, 128
the Montessori Accreditation Council for Teacher Education, or 129
the Association Montessori Internationale as its primary method 130
of instruction for students younger than four years of age who 131
are enrolled in the school. 132

Of the foregoing appropriation item 200550, Foundation 133
Funding, up to \$10,000,000 in fiscal year 2021 shall be used to 134
pay scholarships awarded as follows. Notwithstanding anything in 135
the Revised Code to the contrary, for applications for the 2020- 136
2021 school year, the Department of Education shall accept, 137
process, and award performance-based Educational Choice 138

scholarships under section 3310.03 of the Revised Code as 139
follows. An application period for students who are eligible for 140
the first time for the 2020-2021 school year shall open April 1, 141
2020, and run not less than sixty days or to the extent funds 142
appropriated by the General Assembly under Section 265.10 of 143
H.B. 166 of the 133rd General Assembly and this section remain 144
available. The Department shall award scholarships in the order 145
that it receives applications and shall continue to award 146
scholarships to the extent the funds appropriated by the General 147
Assembly under Section 265.10 of H.B. 166 of the 133rd General 148
Assembly and this section remain available. An application 149
period for students who were eligible for scholarships for the 150
2019-2020 school year, regardless of whether the students 151
received scholarships for that school year, and remain eligible 152
for the 2020-2021 school year shall open April 1, 2020, and run 153
not less than sixty days. These scholarships shall be funded and 154
paid in accordance with section 3310.08 of the Revised Code. 155

The remainder of the foregoing appropriation item 200550, 156
Foundation Funding, shall be used to fund the payments included 157
in the state funding allocation under division (A)(1) of the 158
section of H.B. 166 of the 133rd General Assembly entitled 159
"FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 160
DISTRICTS." 161

Appropriation items 200502, Pupil Transportation, 200540, 162
Special Education Enhancements, and 200550, Foundation Funding, 163
other than specific set-asides, are collectively used in each 164
fiscal year to pay state formula aid obligations for school 165
districts, community schools, STEM schools, college preparatory 166
boarding schools, and joint vocational school districts under 167
~~this act~~ H.B. 166 of the 133rd General Assembly. The first 168
priority of these appropriation items, with the exception of 169

specific set-asides, is to fund state formula aid obligations. 170
It may be necessary to reallocate funds among these 171
appropriation items or use excess funds from other general 172
revenue fund appropriation items in the Department of 173
Education's budget, including appropriation item 200903, 174
Property Tax Reimbursement - Education, in each fiscal year in 175
order to meet state formula aid obligations. If it is determined 176
that it is necessary to transfer funds among these appropriation 177
items or to transfer funds from other General Revenue Fund 178
appropriations in the Department's budget to meet state formula 179
aid obligations, the Superintendent of Public Instruction shall 180
seek approval from the Director of Budget and Management to 181
transfer funds as needed. 182

The Superintendent of Public Instruction shall make 183
payments, transfers, and deductions, as authorized by Title 184
XXXVIII of the Revised Code in amounts substantially equal to 185
those made in the prior year, or otherwise, at the discretion of 186
the Superintendent, until at least the effective date of the 187
amendments and enactments made to Title XXXVIII by H.B. 166 of 188
the 133rd General Assembly. Any funds paid to districts or 189
schools under this section shall be credited toward the annual 190
funds calculated for the district or school after the changes 191
made to Title XXXVIII in H.B. 166 of the 133rd General Assembly 192
are effective. Upon the effective date of changes made to Title 193
XXXVIII in H.B. 166 of the 133rd General Assembly, funds shall be 194
calculated as an annual amount. 195

Section 2. That existing Section 265.210 of H.B. 166 of 196
the 133rd General Assembly is hereby repealed. 197

Section 3. That Sections 16 and 17 of H.B. 197 of the 198
133rd General Assembly be amended to read as follows: 199

Sec. 16. (A) As used in this section, "license" includes 200
any license, certificate, permit, or other authorization issued 201
by a state licensing board that allows the holder to practice a 202
job or profession. 203

(B) This section applies to all of the following during 204
the period of the Director of Health's order under section 205
3701.13 of the Revised Code "In Re: Order the Closure of All K- 206
12 Schools in the State of Ohio" issued on March 14, 2020, any 207
local board of health order to close schools, or any extension 208
of an order due to the implications of COVID-19, ~~or until~~ 209
~~December 1, 2020, if the order or extension of the order has not~~ 210
~~been rescinded by that date~~ and shall continue to so apply for 211
the balance of the 2019-2020 school year and for the entirety of 212
the 2020-2021 school year, even if the order or extension has 213
been rescinded prior to July 1, 2021: 214

(1) The Ohio Speech and Hearing Professionals Board 215
described in section 4753.05 of the Revised Code; 216

(2) The Ohio Occupational Therapy, Physical Therapy, and 217
Athletic Trainers Board created under section 4755.01 of the 218
Revised Code; 219

(3) The State Board of Psychology appointed under section 220
4732.02 of the Revised Code; 221

(4) The Counselor, Social Worker, and Marriage and Family 222
Therapist Board created under section 4757.03 of the Revised 223
Code; 224

(5) The State Board of Education with respect to 225
intervention specialists. 226

(C) Notwithstanding anything to the contrary in the 227
Revised Code or in an administrative rule adopted by a licensing 228

board to which this section applies, a person who holds a valid 229
license issued by such a board may provide services within the 230
scope of practice authorized under the license by electronic 231
delivery method or telehealth communication to any student 232
participating in the Autism Scholarship Program established 233
under section 3310.41 of the Revised Code or the Jon Peterson 234
Special Needs Scholarship Program established under section 235
3310.52 of the Revised Code, or to any student ~~who was~~ enrolled 236
in a public or private school ~~and was~~ receiving those services, 237
regardless of the method of delivery, prior to the issuance of 238
the Director of Health's order. No licensing board to which this 239
section applies shall take any disciplinary action against a 240
license holder who provides services to a student in accordance 241
with this section, including limiting, suspending, or revoking 242
the person's license or refusing to issue a license to the 243
person, solely because the license holder provided such 244
services. 245

Sec. 17. Notwithstanding anything in the Revised Code or 246
Administrative Code to the contrary, for the 2019-2020 school 247
year only, except as otherwise provided in this section, due to 248
the Director of Health's order under section 3701.13 of the 249
Revised Code "In re: Order the Closure of All K-12 Schools in 250
the State of Ohio" issued on March 14, 2020, or any local board 251
of health order, and any extension of any order, based on the 252
implications of COVID-19, all of the following apply: 253

(A) (1) Any city, exempted village, local, joint 254
vocational, or municipal school district, any community school 255
established under Chapter 3314. of the Revised Code, any STEM 256
school established under Chapter 3326. of the Revised Code, any 257
chartered nonpublic school, and the State School for the Deaf 258
and the State School for the Blind shall not be required to 259

administer the assessments prescribed in sections 3301.0710, 260
3301.0711, 3301.0712, 3313.903, and 3314.017 of the Revised 261
Code, including the Ohio English Language Proficiency Assessment 262
administered to English learners pursuant to division (C) (3) (b) 263
of section 3301.0711 of the Revised Code and the Alternate 264
Assessment for Students with Significant Cognitive Disabilities 265
prescribed in division (C) (1) of section 3301.0711 of the 266
Revised Code. 267

(2) Any chartered nonpublic school that has chosen to 268
administer assessments under section 3313.619 of the Revised 269
Code that has not administered such assessments by March 17, 270
2020, shall not be required to administer those assessments. 271

(3) The Department of Education shall not exclude any 272
student to whom an assessment was not administered in the 2019- 273
2020 school year under division (A) of this section from 274
counting in a district's or school's enrollment for the 2020- 275
2021 school year pursuant to division (L) (3) of section 3314.08, 276
division (E) (3) of section 3317.03, or division (C) of section 277
3326.37 of the Revised Code. 278

(4) If a student was not administered an assessment in the 279
2019-2020 school year under division (A) of this section, that 280
school year shall not count in determining if the student is 281
subject to withdrawal from a school pursuant to section 282
3313.6410 or 3314.26 of the Revised Code. 283

(5) No student who received a scholarship under the 284
Educational Choice Scholarship Program under section 3310.03 or 285
3310.032 of the Revised Code, the Jon Peterson Special Needs 286
Scholarship Program under section 3310.52 of the Revised Code, 287
or the Pilot Project Scholarship Program under section 3313.975 288
of the Revised Code for the 2019-2020 school year shall be 289

considered ineligible to renew that scholarship for the 2020- 290
2021 school year solely because the student was not administered 291
an assessment in the 2019-2020 school year under division (A) of 292
this section. 293

(B) (1) The Department of Education shall not publish state 294
report card ratings under section 3302.03, 3302.033, 3314.012, 295
or 3314.017 of the Revised Code nor shall the Department be 296
required to submit preliminary data for the report cards by July 297
31, 2020, as required by those sections. Furthermore, the 298
Department shall not assign an overall letter grade under 299
division (C) (3) of section 3302.03 of the Revised Code for any 300
school district or building, shall not assign an individual 301
grade to any component prescribed under division (C) (3) of 302
section 3302.03 of the Revised Code, shall not assign a grade to 303
any measures under division (C) (1) of section 3302.03 of the 304
Revised Code, and shall not rank school districts, community 305
schools, or STEM schools under section 3302.21 of the Revised 306
Code for the 2019-2020 school year. 307

However, the Department shall report any data that it has 308
regarding the performance of districts and buildings for the 309
2019-2020 school year by September 15, 2020. 310

(2) The absence of report card ratings for the 2019-2020 311
school year shall have no effect in determining sanctions or 312
penalties, and shall not create a new starting point for 313
determinations that are based on ratings over multiple years. 314
The report card ratings of any previous or subsequent years 315
shall be considered in determining whether a school district or 316
building is subject to sanctions or penalties. If a school 317
district or building was subject to any of the following 318
penalties or sanctions in the 2019-2020 school year based on its 319

report card rating for previous school years, those penalties or 320
sanctions shall remain for the 2020-2021 school year. Those 321
penalties and sanctions include the following: 322

(a) Any restructuring provisions established under Chapter 323
3302. of the Revised Code, except as required under federal law; 324

(b) Provisions for the Columbus City School Pilot Project 325
under section 3302.042 of the Revised Code; 326

(c) Provisions for academic distress commissions under 327
section 3302.10 of the Revised Code. While a district subject to 328
an academic distress commission prior to the effective date of 329
this section shall be considered to be subject to an academic 330
distress commission for the 2020-2021 school year, that year 331
shall not be included for purposes of determining progressive 332
consequences under divisions (H), (I), (J), (K), and (L) of 333
section 3302.10 of the Revised Code that are in addition to 334
those that were being exercised by the chief executive officer 335
during the 2019-2020 school year or for purposes of the 336
appointment of a new board of education under division (K) of 337
that section. Nothing in division (B) (2) (c) of this section 338
shall be construed to limit the powers that the chief executive 339
officer exercised under section 3302.10 of the Revised Code 340
prior to the 2020-2021 school year. 341

(d) Provisions prescribing new buildings where students 342
are eligible for the Educational Choice Scholarships under 343
section 3310.03 of the Revised Code; 344

(e) Provisions defining "challenged school districts" in 345
which new start-up community schools may be located, as 346
prescribed in section 3314.02 of the Revised Code; 347

(f) Provisions prescribing community school closure 348

requirements under section 3314.35 or 3314.351 of the Revised Code; 349
350

(g) Provisions of state or federal law that identify 351
school districts or buildings for comprehensive or targeted 352
support and improvement or additional targeted support and 353
improvement. Districts and buildings so identified shall 354
continue to receive supports and interventions consistent with 355
their support and improvement plans in the 2020-2021 school 356
year. 357

(h) Provisions that determine the conditions under which 358
community schools may change sponsors under section 3314.034 of 359
the Revised Code. 360

(C) No school district, community school, or STEM school 361
and no chartered nonpublic school that is subject to section 362
3301.163 of the Revised Code shall retain a student in the third 363
grade under that section or section 3313.608 of the Revised Code 364
based solely on a student's academic performance in reading in 365
the 2019-2020 school year unless the principal of the school 366
building in which a student is enrolled and the student's 367
reading teacher agree that the student is reading below grade 368
level and is not prepared to be promoted to the fourth grade. 369

(D) (1) Division (D) of this section applies to any student 370
who meets both of the following criteria: 371

(a) The student was enrolled in the twelfth grade in the 372
2019-2020 school year or was on track to graduate in the 2019- 373
2020 school year, as determined by the school district or other 374
public or chartered nonpublic school in which the student was 375
enrolled, regardless of the graduation cohort in which the 376
student is included. 377

(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 409
this section applies has successfully completed the curriculum 410
under division (D) (2) of this section. If such an election is 411
made, the superintendent or chief administrator shall evaluate 412
each student to whom division (D) of this section applies using 413
the minimum curriculum specified in division (C) of this 414
section. 415

(4) It is the intent of the General Assembly that school 416
districts and other public and private schools do both of the 417
following: 418

(a) Continue to provide ways to keep students actively 419
engaged in learning opportunities between March 17, 2020, and 420
the remainder of the school year; 421

(b) Grant students who need in-person instructional 422
experiences to complete requirements for a diploma or a career- 423
technical education program access to school facilities as soon 424
as it is reasonably possible after the Director of Health 425
permits such access to resume, even if the last instructional 426
day of the school year has already passed. 427

(E) For the purpose of teacher evaluations conducted under 428
sections 3319.111 and 3319.112 of the Revised Code, no school 429
district board of education shall use value-added progress 430
dimension data, established under section 3302.021 of the 431
Revised Code, from the 2019-2020 school year to measure student 432
learning attributable to the teacher being evaluated. 433

(F) (1) For community school sponsor evaluations required 434
under section 3314.016 of the Revised Code, the Department shall 435
not issue a rating for the ~~academic performance component~~ 436
components under division (B) (1) ~~(a)~~ of that section to any 437

~~sponsor and, nor shall not include academic performance in the~~ 438
~~calculation of the Department issue an overall rating for the~~ 439
~~sponsor. The Department's rating of a sponsor for the 2019-2020~~ 440
~~school year shall be based only on the components listed in~~ 441
~~divisions (B) (1) (b) and (c) of that section.~~ 442
The Department shall 442
allow a sponsor to indicate that it could not comply with an 443
applicable law or administrative rule or fully adhere to a 444
quality practice because the required action was unable to be 445
completed due to the Director of Health's order under section 446
3701.13 of the Revised Code "In Re: Order the Closure of All K- 447
12 Schools in the State of Ohio" issued on March 14, 2020, any 448
local board of health order, or any extension of an order. 449

~~In evaluating a sponsor based on the components in~~ 450
~~divisions (B) (1) (b) and (c) of section 3314.016 of the Revised~~ 451
~~Code for the 2019-2020 school year, the Department shall not~~ 452
~~find a sponsor or a school out of compliance with an applicable~~ 453
~~law or administrative rule for any requirement for an action~~ 454
~~that should have occurred while schools were closed pursuant to~~ 455
~~the Director of Health's order under section 3701.13 of the~~ 456
~~Revised Code "In Re: Order the Closure of All K-12 Schools in~~ 457
~~the State of Ohio" issued on March 14, 2020, any local board of~~ 458
~~health order, or any extension of an order.~~ 459

(2) The absence of community school sponsor ratings for 460
the 2019-2020 school year shall have no effect in determining 461
sanctions or penalties of a sponsor under Chapter 3314. of the 462
Revised Code and shall not create a new starting point for 463
determinations that are based on ratings over multiple years. 464
The sponsor ratings of any previous or subsequent school years 465
shall be considered when a sponsor is subject to sanctions or 466
penalties under that chapter. A sponsor shall remain eligible in 467
the 2020-2021 school year for any incentives that the sponsor 468

was eligible for in the 2019-2020 school year, and the 2019-2020 469
school year shall not count toward the number of years in which 470
a sponsor subject to division (B) (7) (b) of section 3314.016 of 471
the Revised Code is not required to be evaluated. 472

(G) The Superintendent of Public Instruction may waive the 473
requirement to complete any report prescribed by law that is 474
based on data from assessments that would have been but were not 475
administered during the 2019-2020 school year pursuant to 476
division (A) of this section. 477

(H) The Department, on behalf of the State Board of 478
Education, may issue a one-year, nonrenewable provisional 479
license to any individual to practice in any category, type, and 480
level for which the State Board issues a license pursuant to 481
Title XXXVIII of the Revised Code, if the individual has met all 482
requirements for the requested license except for the 483
requirement to pass an examination prescribed by the State Board 484
in the subject area for which application is being made. Any 485
individual to whom a provisional license is issued under this 486
division shall take and pass the appropriate subject area 487
examination prior to expiration of the license as a condition of 488
advancing the license in the appropriate category, type, and 489
level. The Department shall not issue a provisional license 490
under this division that is valid on or after July 1, 2021. 491

(I) The Superintendent of Public Instruction may extend or 492
waive any deadline for an action required of the State Board of 493
Education, the Department of Education, or any person or entity 494
licensed or regulated by the State Board or Department during 495
the duration of the Director of Health's order under section 496
3701.13 of the Revised Code "In re: Order the Closure of All K- 497
12 Schools in the State of Ohio" issued on March 14, 2020, or 498

any local board of health order, and any extension of any order,	499
based on the implications of COVID-19, as necessary to ensure	500
that the safety of students, families, and communities are	501
prioritized while continuing to ensure the efficient operation	502
of the Department and public and private schools in this state.	503
Deadlines that may be extended or waived by the State	504
Superintendent include, but are not limited to, deadlines	505
related to the following:	506
(1) The conduct of evaluations for school personnel under	507
Chapter 3319. of the Revised Code;	508
(2) Notice of intent not to reemploy school personnel	509
under Chapter 3319. Of the Revised Code;	510
(3) The conduct of school safety drills under section	511
3737.73 of the Revised Code;	512
(4) The emergency management test required by division (E)	513
of section 3313.536 of the Revised Code;	514
(5) The filling of a vacancy in a board of education;	515
(6) Updating of teacher evaluation policies to conform	516
with the framework for evaluation of teachers adopted under	517
section 3319.112 of the Revised Code;	518
(7) Identification and screening of gifted students under	519
Chapter 3324. of the Revised Code.	520
(J) Notwithstanding anything in the Revised Code or	521
Administrative Code to the contrary, the Chancellor of Higher	522
Education, in consultation with the Superintendent of Public	523
Instruction, may waive, extend, suspend, or modify requirements	524
of the College Credit Plus program if the Chancellor, in	525
consultation with the Superintendent, determines the waiver,	526

extension, suspension, or modification is necessary in response 527
to COVID-19. 528

(K) The Superintendent of Public Instruction shall 529
collaborate with providers in the 22+ Adult High School Diploma 530
Program authorized under sections 3314.38, 3317.23, 3317.231, 531
3317.24, and 3345.86 of the Revised Code and the Adult Diploma 532
Program authorized under section 3313.902 of the Revised Code, 533
and rules adopted thereunder, to ensure that the providers have 534
maximum flexibility to assist students whose progress in the 535
program has been affected by the Director of Health's order to 536
complete the requirements to earn a high school diploma. For 537
this purpose, the State Superintendent may waive or extend 538
deadlines, or otherwise grant providers and students 539
flexibility, for completion of program requirements. 540

(L) No school district shall require the parent of any 541
student who was instructed at home in accordance with section 542
3321.04 of the Revised Code for the 2019-2020 school year to 543
submit to the district superintendent the ~~results of a~~ 544
~~standardized achievement academic assessment administered to the~~ 545
~~student report required under rule 3301-34-04 of the~~ 546
Administrative Code as a condition of the district allowing the 547
student to continue to receive home instruction for the 2020- 548
2021 school year. 549

(M) Notwithstanding anything in the Revised Code to the 550
contrary, the board of education of any school district that, 551
prior to the Director of Health's order under section 3701.13 of 552
the Revised Code "In re: Order the Closure of All K-12 Schools 553
in the State of Ohio" issued on March 14, 2020, had not 554
completed an evaluation that was required under Chapter 3319. of 555
the Revised Code for the 2019-2020 school year for an employee 556

of the district, including a teacher, administrator, or 557
superintendent, may elect not to conduct an evaluation of the 558
employee for that school year, if the district board determines 559
that it would be impossible or impracticable to do so. If a 560
district board elects not to evaluate an employee for the 2019- 561
2020 school year, the employee shall be considered not to have 562
had evaluation procedures complied with pursuant to section 563
3319.111 of the Revised Code for purposes of section 3319.11 of 564
the Revised Code. The district board may collaborate with any 565
bargaining organization representing employees of the district 566
in determining whether to complete evaluations for the 2019-2020 567
school year. Nothing in this section shall preclude a district 568
board from using an evaluation completed prior to the Director 569
of Health's order in employment decisions. 570

Section 4. That existing Sections 16 and 17 of H.B. 197 of 571
the 133rd General Assembly are hereby repealed. 572

Section 5. That Section 7 of S.B. 216 of the 132nd General 573
Assembly be amended to read as follows: 574

Sec. 7. Notwithstanding the amendment or repeal of 575
sections 3319.111, 3319.112, and 3319.114 of the Revised Code by 576
~~this act~~ S.B. 216 of the 132nd General Assembly, for the 2018- 577
2019 and 2019-2020 school years, the following shall apply: 578

(A) Each school district, other than a district 579
participating in the pilot program established under Section 6 580
of ~~this act~~ S.B. 216 of the 132nd General Assembly, shall 581
conduct teacher evaluations in accordance with those sections as 582
they existed prior to ~~the effective date of this section~~ 583
November 2, 2018, except that if the district board of 584
education, in the 2019-2020 school year, chooses to complete an 585
evaluation for a teacher to whom division (C) (2) (a) or (b) of 586

section 3319.111 of the Revised Code applies without a student 587
growth measure as part of the evaluation, the board may continue 588
to evaluate that teacher every three or two years, respectively. 589
Any teacher who did not have a student academic growth measure 590
as part of the teacher's evaluation for the 2019-2020 school 591
year shall remain at the same point in the teacher's evaluation 592
cycle, and shall retain the same evaluation rating, for the 593
2020-2021 school year as for the 2019-2020 school year. 594

(B) Each state agency that employs teachers shall conduct 595
teacher evaluations in accordance with its teacher evaluation 596
policy developed under former division (E) of section 3319.112 597
of the Revised Code, as it existed prior to ~~the effective date~~ 598
~~of this section~~ November 2, 2018. 599

(C) Any reference in law to evaluations conducted under 600
section 3319.111 of the Revised Code shall be construed to 601
include evaluations conducted as required by this section. 602

(D) References to "evaluation procedures" in section 603
3319.11 of the Revised Code shall be construed to include the 604
evaluation procedures required by this section. 605

Section 6. That existing Section 7 of S.B. 216 of the 606
132nd General Assembly is hereby repealed. 607

Section 7. (A) (1) Not later than ten days after the 608
effective date of this section, the Tax Commissioner shall 609
determine for each school district whether the taxable value of 610
all utility tangible personal property subject to taxation by 611
the district in tax year 2019 was less than the taxable value of 612
such property during tax year 2017. If any decrease exceeds ten 613
per cent, the Tax Commissioner shall certify all of the 614
following to the Department of Education and the Office of 615

Budget and Management:	616
(a) The district's total taxable value for tax year 2019;	617
(b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2019;	618 619 620
(c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;	621 622 623
(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A) (3) of section 3317.021 of the Revised Code.	624 625 626
(2) Upon receipt of a certification under division (A) (1) of this section, the Department of Education shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (A) (1) (a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the lesser of the following:	627 628 629 630 631 632 633 634 635 636
(a) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation under division (A) (2) of this section and the district's recomputed state education aid for fiscal year 2019;	637 638 639 640
(b) The absolute value of the amount certified under division (A) (1) (b) of this section.	641 642
(B) (1) On or before May 15, 2021, the Tax Commissioner	643

shall determine for each school district whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2020 was less than the taxable value of such property during tax year 2017. If any decrease exceeds ten per cent, the Tax Commissioner shall certify all of the following to the Department of Education and the Office of Budget and Management:

(a) The district's total taxable value for tax year 2020;

(b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2020;

(c) The taxable value of the utility tangible personal property decrease, which shall be considered a change in valuation;

(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A) (3) of section 3317.021 of the Revised Code.

(2) Upon receipt of a certification under division (A) (1) of this section, the Department of Education shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (B) (1) (a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the lesser of the following:

(a) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation

under division (B) (2) of this section and the district's 673
recomputed state education aid for fiscal year 2019; 674

(b) The absolute value of the amount certified under 675
division (B) (1) (b) of this section. 676

(C) The Department of Education shall make payments under 677
division (A) (2) of this section not later than fourteen days 678
after the effective date of this section, and the Department 679
shall make payments under division (B) (2) of this section 680
between June 1, 2021, and June 30, 2021. 681

(D) If a city, local, or exempted village school district 682
experienced an increase in the taxable value of all utility 683
tangible personal property subject to taxation by the district 684
between tax years 2016 and 2017 and, as a result, the Department 685
of Education deducted funds from the district under division (B) 686
of former section 3317.028 of the Revised Code, the Department, 687
not later than ten days after the effective date of this 688
section, shall credit the deducted amount to the district. 689

Section 8. Notwithstanding anything to the contrary in 690
sections 3319.02, 3319.111, and 3319.112 of the Revised Code, a 691
school district board of education shall not use value-added 692
progress dimension data established under section 3302.021 of 693
the Revised Code, any other high-quality student data as defined 694
by the state board of education under section 3319.112 of the 695
Revised Code, or any other student academic growth data to 696
measure student learning attributable to a teacher or principal 697
while conducting performance evaluations under sections 3319.02, 698
3319.111, and 3319.112 of the Revised Code for the 2020-2021 699
school year. Rather, a district board shall use only the other 700
evaluation factors and components prescribed under sections 701
3319.02, 3319.111, and 3319.112 of the Revised Code to conduct a 702

teacher's or principal's performance evaluation under those 703
sections for that school year. Nothing in this section shall be 704
construed to prohibit a district board from considering as part 705
of a teacher's or principal's evaluation how that teacher or 706
principal collects, analyzes, and uses student data, including 707
student academic growth data, to adapt instruction to meet 708
individual student needs or to improve the teacher's or 709
principal's practice. 710

Section 9. Notwithstanding anything to the contrary in 711
section 3319.02 of the Revised Code, a school district board of 712
education may choose to complete the performance evaluation of a 713
principal for the 2019-2020 school year under that section 714
without a student growth measure as part of the evaluation. 715

Section 10. Notwithstanding anything to the contrary in 716
Chapter 3319. of the Revised Code, if the board of education of 717
a school district elects not to evaluate an employee of the 718
district, including a teacher, administrator, or superintendent, 719
for the 2019-2020 school year in accordance with division (M) of 720
Section 17 of H.B. 197 of the 133rd General Assembly and that 721
employee's employment contract is scheduled to expire in 722
calendar year 2020, then the employee shall be offered a one- 723
year limited contract, instead of another term as otherwise 724
prescribed in Chapter 3319. of the Revised Code. 725

Thereafter, the terms of subsequent employment contracts 726
for that employee shall be in accordance with Chapter 3319. of 727
the Revised Code. 728

Section 11. (A) As used in this section: 729

(1) "End-of-course examination" means an end-of-course 730
examination prescribed under section 3301.0712 of the Revised 731

Code.	732
(2) "District or school" means any of the following:	733
(a) A city, local, exempted village, or joint vocational school district;	734 735
(b) A community school established under Chapter 3314. of the Revised Code;	736 737
(c) A STEM school established under Chapter 3326. of the Revised Code;	738 739
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	740 741
(e) The State School for the Deaf;	742
(f) The State School for the Blind;	743
(g) A chartered nonpublic school.	744
(3) "Qualifying course" means a course associated with an end-of-course examination.	745 746
(B) Notwithstanding anything to the contrary in sections 3313.618 and 3313.6114 of the Revised Code, a student who was scheduled to take or retake an end-of-course examination in the 2019-2020 school year, but did not do so because the administration of that examination was canceled, may use the student's final course grade in the course associated with that examination in lieu of a score on the examination to satisfy conditions for a high school diploma prescribed under sections 3313.618 and 3313.6114 of the Revised Code. A student who was scheduled to take the end-of-course examination for the first time in the 2019-2020 school year may use the final course grade for the qualifying course that the student completed in that	747 748 749 750 751 752 753 754 755 756 757 758

school year, while a student who was scheduled to retake the 759
examination in the 2019-2020 school year may use a final course 760
grade for a qualifying course that the student completed in the 761
2019-2020 school year or a prior school year. For the purposes 762
of determining whether a student satisfies a condition, a final 763
course grade shall be equivalent to a level of skill prescribed 764
under division (B) (5) (a) of section 3301.0712 of the Revised 765
Code or a competency score prescribed under division (B) (10) of 766
that section, as follows: 767

(1) Any "A" letter grade shall be equivalent to an 768
advanced level of skill. 769

(2) Any "B" letter grade shall be equivalent to an 770
accelerated level of skill. 771

(3) Any "C" letter grade shall be equivalent to a 772
proficient level of skill. 773

(4) Any "D" letter grade shall be equivalent to a basic 774
level of skill. 775

(5) Any "F" letter grade shall be equivalent to a limited 776
level of skill. 777

(6) Any "C" letter grade or higher shall be equivalent to 778
a competency score. 779

(7) In the case of a course that issues a pass or fail 780
designation rather than a letter grade for a final course grade, 781
a fail designation shall be equivalent to an "F" letter grade 782
and a limited level of skill. For a pass designation, the 783
student's district or school shall determine which level of 784
skill is equivalent to the student's performance in the course. 785
A pass designation also shall be equivalent to a competency 786
score. 787

(C) A student who completed a qualifying course in the 788
2019-2020 school year shall be deemed to have completed an 789
administration of the end-of-course examination associated with 790
that course for the purposes of determining whether that student 791
may demonstrate competency in a subject area using one of the 792
options prescribed under divisions (B) (1) (a) to (c) of section 793
3313.618 of the Revised Code. 794

(D) A student who completed a qualifying course in the 795
2019-2020 school year may elect to take the end-of-course 796
examination associated with that course in an administration of 797
that examination in a subsequent school year. 798

Section 12. Notwithstanding anything to the contrary in 799
the Revised Code, for the 2020-2021 school year, all of the 800
following shall apply: 801

(A) The State Board of Education shall not review and 802
adjust upward the level of achievement designated under division 803
(A) (3) of section 3301.0710 of the Revised Code for the third 804
grade English language arts assessment for the 2020-2021 school 805
year. Rather, the level of achievement for that assessment for 806
the 2020-2021 school year shall be the same level of achievement 807
as designated by the State Board for that assessment for the 808
2019-2020 school year. 809

The State Board shall resume reviewing and adjusting 810
upward the level of achievement designated under division (A) (3) 811
of section 3301.0710 of the Revised Code for the third grade 812
English language arts assessment in accordance with that 813
division for the 2021-2022 school year. 814

(B) A teacher assigned to a student for the purposes of 815
division (B) (3) or (C) of section 3313.608 of the Revised Code 816

shall not be required to meet the criteria set forth in division 817
(H) of that section. 818

(C) No school district or community school established 819
under Chapter 3314. of the Revised Code shall be subject to 820
section 3302.13 of the Revised Code in the 2020-2021 school year 821
based on either assessment results or report cards issued under 822
section 3302.03 of the Revised Code for the 2019-2020 school 823
year. 824

Section 13. Notwithstanding any provision of section 825
3319.17 or 3319.171 of the Revised Code to the contrary, a board 826
of education of each city, exempted village, local, or joint 827
vocational school district and the governing board of each 828
educational service center may adopt a resolution authorizing a 829
temporary, periodic, or continuing furlough of any school 830
employee, including an administrator, teacher, or nonteaching 831
employee, during the period beginning on the effective date of 832
this section and ending June 30, 2021, if the board of education 833
or governing board determines that it is necessary to furlough 834
an employee because of financial reasons or because the employee 835
is not needed to perform work for the school district or service 836
center during that period. In authorizing a furlough under this 837
section, the board of education or governing board shall proceed 838
with respect to the furlough in accordance with the 839
recommendation of the superintendent of the school district or 840
service center, as applicable. 841

No employee for whom a furlough is authorized under this 842
section shall be paid during the furlough, except that the board 843
of education or governing board may authorize the employee to 844
use any available accrued but unused leave the employee has, to 845
the extent that use is consistent with the reasons for which the 846

leave may be used under law, in order to be paid during the 847
furlough. 848

A board of education or governing board may allow an 849
employee for whom a furlough is authorized under this section to 850
continue to be covered by any policy, contract, or plan of 851
insurance benefits or services during the furlough to the extent 852
permitted by the policy, contract, or plan. 853

A board of education or governing board may request an 854
employee for whom a furlough is authorized under this section to 855
return from furlough at any time. An employee returning from 856
furlough resumes the same contract status that existed at the 857
time the furlough was authorized. Except as provided in a 858
collective bargaining agreement in existence before the 859
effective date of this section, an employee returning from 860
furlough is not guaranteed the same job assignment the employee 861
held at the time the furlough was authorized. 862

Notwithstanding any provision of section 4117.10 of the 863
Revised Code to the contrary, the requirements of this section 864
prevail over any conflicting provisions of agreements between 865
employee organizations and public employers entered into on or 866
after the effective date of this section. 867

Section 14. Notwithstanding anything to the contrary in 868
the Revised Code, no school district, community school 869
established under Chapter 3314. of the Revised Code, or STEM 870
school established under Chapter 3326. of the Revised Code shall 871
be subject to division (G) of section 3301.0715 of the Revised 872
Code in the 2020-2021 school year based on assessment results 873
for the 2019-2020 school year. 874

Section 15. For the 2020-2021 school year, notwithstanding 875

anything to the contrary in Chapter 3327. of the Revised Code or 876
Chapter 3301-83 of the Administrative Code, the Department of 877
Education shall develop an online thirty-day bus driver training 878
program to satisfy the classroom portion of pre-service and 879
annual in-service training for school bus driver certification. 880
On-the-bus training for drivers shall continue to be completed 881
in person. 882

Section 16. This act is hereby declared to be an emergency 883
measure necessary for the immediate preservation of the public 884
peace, health, and safety. The reason for such necessity is to 885
ensure that the changes made by this act take effect before the 886
start of the 2020-2021 school year. Therefore, this act shall go 887
into immediate effect. 888