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

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

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

Of the foregoing appropriation item 200550, Foundation Funding, up to $3,500,000 in each fiscal year shall be distributed to educational service centers for School Improvement Initiatives and for the provision of technical assistance to schools and districts consistent with requirements of section 3312.01 of the Revised Code. The Department may distribute these funds through a competitive grant process.
Of the foregoing appropriation item 200550, Foundation Funding, up to $7,000,000 in each fiscal year shall be reserved for payments under section 3317.029 of the Revised Code, in accordance with the section of H.B. 166 of the 133rd General Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021," and Section 7 of ___B. ___ of the 133rd General Assembly. If this amount is not sufficient, the Superintendent of Public Instruction may reallocate excess funds for other purposes supported by this appropriation item in order to fully pay the amounts required by that section, provided that the aggregate amount appropriated in appropriation item 200550, Foundation Funding, is not exceeded.

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

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

Of the foregoing appropriation item 200550, Foundation Funding, up to $26,400,000 in each fiscal year shall be used to support school choice programs.
Funding, up to $2,000,000 in each fiscal year may be used for payment of the College Credit Plus Program for students instructed at home pursuant to section 3321.04 of the Revised Code. An amount equal to the unexpended, unencumbered balance of this earmark at the end of fiscal year 2020 is hereby reappropriated for the same purpose for fiscal year 2021.

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

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

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

Of the foregoing appropriation item 200550, Foundation Funding, a portion in each fiscal year shall be used to pay community schools and STEM schools the amounts calculated for the graduation and third-grade reading bonuses under sections 3314.085 and 3326.41 of the Revised Code, in accordance with the sections of H.B. 166 of the 133rd General Assembly entitled "FUNDING FOR COMMUNITY SCHOOLS" and "FUNDING FOR STEM SCHOOLS."
Of the foregoing appropriation item 200550, Foundation Funding, up to $1,172,000 in fiscal year 2020 and up to $1,760,000 in fiscal year 2021 may be used by the Department for duties and activities related to the establishment of academic distress commissions under section 3302.10 of the Revised Code, to provide support and assistance to academic distress commissions to further their duties under Chapter 3302. of the Revised Code, and to provide technical assistance and tools to support districts subject to academic distress commissions.

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

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

Of the foregoing appropriation item 200550, Foundation Funding, up to $10,000,000 in fiscal year 2021 shall be used to pay scholarships awarded as follows. Notwithstanding anything in the Revised Code to the contrary, for applications for the 2020-2021 school year, the Department of Education shall accept, process, and award performance-based Educational Choice
scholarships under section 3310.03 of the Revised Code as follows. An application period for students who are eligible for the first time for the 2020-2021 school year shall open April 1, 2020, and run not less than sixty days or to the extent funds appropriated by the General Assembly under Section 265.10 of H.B. 166 of the 133rd General Assembly and this section remain available. The Department shall award scholarships in the order that it receives applications and shall continue to award scholarships to the extent the funds appropriated by the General Assembly under Section 265.10 of H.B. 166 of the 133rd General Assembly and this section remain available. An application period for students who were eligible for scholarships for the 2019-2020 school year, regardless of whether the students received scholarships for that school year, and remain eligible for the 2020-2021 school year shall open April 1, 2020, and run not less than sixty days. These scholarships shall be funded and paid in accordance with section 3310.08 of the Revised Code.

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

Appropriation items 200502, Pupil Transportation, 200540, Special Education Enhancements, and 200550, Foundation Funding, other than specific set-asides, are collectively used in each fiscal year to pay state formula aid obligations for school districts, community schools, STEM schools, college preparatory boarding schools, and joint vocational school districts under this act H.B. 166 of the 133rd General Assembly. The first priority of these appropriation items, with the exception of
specific set-asides, is to fund state formula aid obligations. It may be necessary to reallocate funds among these appropriation items or use excess funds from other general revenue fund appropriation items in the Department of Education's budget, including appropriation item 200903, Property Tax Reimbursement - Education, in each fiscal year in order to meet state formula aid obligations. If it is determined that it is necessary to transfer funds among these appropriation items or to transfer funds from other General Revenue Fund appropriations in the Department's budget to meet state formula aid obligations, the Superintendent of Public Instruction shall seek approval from the Director of Budget and Management to transfer funds as needed.

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

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

Section 3. That Sections 16 and 17 of H.B. 197 of the 133rd General Assembly be amended to read as follows:
Sec. 16. (A) As used in this section, "license" includes any license, certificate, permit, or other authorization issued by a state licensing board that allows the holder to practice a job or profession.

(B) This section applies to all of the following during the period 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, any local board of health order to close schools, or any extension of an order due to the implications of COVID-19, or until December 1, 2020, if the order or extension of the order has not been rescinded by that date and shall continue to so apply for the balance of the 2019-2020 school year and for the entirety of the 2020-2021 school year, even if the order or extension has been rescinded prior to July 1, 2021:

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

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

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

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

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

(C) Notwithstanding anything to the contrary in the Revised Code or in an administrative rule adopted by a licensing
board to which this section applies, a person who holds a valid license issued by such a board may provide services within the scope of practice authorized under the license by electronic delivery method or telehealth communication to any student participating in the Autism Scholarship Program established under section 3310.41 of the Revised Code or the Jon Peterson Special Needs Scholarship Program established under section 3310.52 of the Revised Code, or to any student who was enrolled in a public or private school and was receiving those services, regardless of the method of delivery prior to the issuance of the Director of Health's order. No licensing board to which this section applies shall take any disciplinary action against a license holder who provides services to a student in accordance with this section, including limiting, suspending, or revoking the person's license or refusing to issue a license to the person, solely because the license holder provided such services.

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
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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 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 academic performance component components under division (B)(1)(a) of that section to any
and, nor shall not include academic performance in the
calculation of the Department issue an overall rating for the
sponsor. The Department's rating of a sponsor for the 2019-2020
school year shall be based only on the components listed in
divisions (B)(1)(b) and (c) of that section. 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.

In evaluating a sponsor based on the components in
divisions (B)(1)(b) and (c) of section 3314.016 of the Revised
Code for the 2019-2020 school year, the Department shall not
find a sponsor or a school out of compliance with an applicable
law or administrative rule for any requirement for an action
that should have occurred while schools were 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, 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, 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 results of a standardized achievement academic assessment administered to the student 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 4. That existing Sections 16 and 17 of H.B. 197 of the 133rd General Assembly are hereby repealed.

Section 5. That Section 7 of S.B. 216 of the 132nd 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 this act S.B. 216 of the 132nd General Assembly, for the 2018-2019 and 2019-2020 school years, the following shall apply:

(A) Each school district, other than a district participating in the pilot program established under Section 6 of this act S.B. 216 of the 132nd General Assembly, shall conduct teacher evaluations in accordance with those sections as they existed prior to the effective date of this section November 2, 2018, except that if the district board of education, in the 2019-2020 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 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 school year 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 the effective date of this section 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 is hereby repealed.

Section 7. (A)(1) Not later than ten days after the effective date of this section, the Tax Commissioner 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 2019 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 2019;

(b) The change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2019;

(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 (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:

(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;

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

(B)(1) On or before May 15, 2021, the Tax Commissioner
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 recomputed state education aid for fiscal year 2019;

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

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

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

Section 8. Notwithstanding anything to the contrary in sections 3319.02, 3319.111, and 3319.112 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, or any other student academic growth data to measure student learning attributable to a teacher or principal while conducting performance evaluations under sections 3319.02, 3319.111, and 3319.112 of the Revised Code for the 2020-2021 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 of the Revised Code to conduct a
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teacher's or principal'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 evaluation how that teacher or principal collects, analyzes, and uses student data, including student academic growth data, to adapt instruction to meet individual student needs or to improve the teacher's or principal's practice.

Section 9. 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 school year under that section without a student growth measure as part of the evaluation.

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

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

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

(1) "End-of-course examination" means an end-of-course examination prescribed under section 3301.0712 of the Revised
(2) "District or school" means any of the following:

(a) A city, local, exempted village, or joint vocational 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) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(e) The State School for the Deaf;

(f) The State School for the Blind;

(g) A chartered nonpublic school.

(3) "Qualifying course" means a course associated with an end-of-course examination.

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

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

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

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

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

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

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

(7) In the case of a course that issues a pass or fail designation rather than a letter grade for a final course grade, a fail designation shall be equivalent to an "F" letter grade and a limited level of skill. For a pass designation, the student's district or school shall determine which level of skill is equivalent to the student's performance in the course. A pass designation also shall be equivalent to a competency score.
(C) A student who completed a qualifying course in the 2019-2020 school year shall be deemed to have completed an administration of the end-of-course examination associated with that course for the purposes of determining whether that student may demonstrate competency in a subject area using one of the options prescribed under divisions (B)(1)(a) to (c) of section 3313.618 of the Revised Code.

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

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

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

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

(B) A teacher assigned to a student for the purposes of division (B)(3) or (C) of section 3313.608 of the Revised Code
shall not be required to meet the criteria set forth in division (H) of that section.

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

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

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

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

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

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

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

Section 15. For the 2020-2021 school year, notwithstanding
anything to the contrary in Chapter 3327. of the Revised Code or Chapter 3301-83 of the Administrative Code, the Department of Education shall develop an online thirty-day bus driver training program to satisfy the classroom portion of pre-service and annual in-service training for school bus driver certification. On-the-bus training for drivers shall continue to be completed in person.

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