

As Introduced

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

S. B. No. 358

Senators Fedor, Manning

Cosponsors: Senators Kunze, Antonio, Thomas, Williams, Craig, Yuko, Maharath

A BILL

To amend Sections 11 and 12 of H.B. 164 of the 1
133rd General Assembly, Section 31 of H.B. 197 2
of the 133rd General Assembly, Section 17 of 3
H.B. 197 of the 133rd General Assembly, as 4
subsequently amended, and Section 7 of S.B. 216 5
of the 132nd General Assembly, as subsequently 6
amended, to make changes to education law for 7
the 2020-2021 school year in response to 8
implications from COVID-19 and to declare an 9
emergency. 10

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

Section 1. That Sections 11 and 12 of H.B. 164 of the 11
133rd General Assembly be amended to read as follows: 12

Sec. 11. Notwithstanding anything to the contrary in 13
section 3319.02 of the Revised Code, a school district board of 14
education may choose to complete the performance evaluation of a 15
principal for the 2019-2020 and 2020-2021 school year-years 16
under that section without a student growth measure as part of 17
the evaluation. 18

Sec. 12. (A) As used in this section:	19
(1) "End-of-course examination" means an end-of-course examination prescribed under section 3301.0712 of the Revised Code.	20 21 22
(2) "District or school" means any of the following:	23
(a) A city, local, exempted village, or joint vocational school district;	24 25
(b) A community school established under Chapter 3314. of the Revised Code;	26 27
(c) A STEM school established under Chapter 3326. of the Revised Code;	28 29
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	30 31
(e) The State School for the Deaf;	32
(f) The State School for the Blind;	33
(g) A chartered nonpublic school.	34
(3) "Qualifying course" means a course associated with an end-of-course examination.	35 36
(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 <u>or 2020-2021</u> 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	37 38 39 40 41 42 43 44 45

scheduled to take the end-of-course examination for the first 46
time in the 2019-2020 or 2020-2021 school year may use the final 47
course grade for the qualifying course that the student 48
completed in that school year, while a student who was scheduled 49
to retake the examination in the 2019-2020 or 2020-2021 school 50
year may use a final course grade for a qualifying course that 51
the student completed in the 2019-2020 or 2020-2021 school year 52
or a prior school year. For the purposes of determining whether 53
a student satisfies a condition, a final course grade shall be 54
equivalent to a level of skill prescribed under division (B) (5) 55
(a) of section 3301.0712 of the Revised Code or a competency 56
score prescribed under division (B) (10) of that section, as 57
follows: 58

(1) Any "A" letter grade shall be equivalent to an 59
advanced level of skill. 60

(2) Any "B" letter grade shall be equivalent to an 61
accelerated level of skill. 62

(3) Any "C" letter grade shall be equivalent to a 63
proficient level of skill. 64

(4) Any "D" letter grade shall be equivalent to a basic 65
level of skill. 66

(5) Any "F" letter grade shall be equivalent to a limited 67
level of skill. 68

(6) Any "C" letter grade or higher shall be equivalent to 69
a competency score. 70

(7) In the case of a course that issues a pass or fail 71
designation rather than a letter grade for a final course grade, 72
a fail designation shall be equivalent to an "F" letter grade 73
and a limited level of skill. For a pass designation, the 74

student's district or school shall determine which level of 75
skill is equivalent to the student's performance in the course. 76
A pass designation also shall be equivalent to a competency 77
score. 78

(C) A student who completed a qualifying course in the 79
2019-2020 or 2020-2021 school year shall be deemed to have 80
completed an administration of the end-of-course examination 81
associated with that course for the purposes of determining 82
whether that student may demonstrate competency in a subject 83
area using one of the options prescribed under divisions (B)(1) 84
(a) to (c) of section 3313.618 of the Revised Code. 85

(D) A student who completed a qualifying course in the 86
2019-2020 or 2020-2021 school year may elect to take the end-of- 87
course examination associated with that course in an 88
administration of that examination in a subsequent school year. 89

Section 2. That existing Sections 11 and 12 of H.B. 164 of 90
the 133rd General Assembly are hereby repealed. 91

Section 3. That Section 31 of H.B. 197 of the 133rd 92
General Assembly be amended to read as follows: 93

Sec. 31. (A) Notwithstanding section 3310.03 of the 94
Revised Code, Section 265.210 of H.B. 166 of the 133rd General 95
Assembly, as amended by S.B. 120 of the 133rd General Assembly, 96
and any other provision of law to the contrary, the Department 97
of Education shall not accept, process, or award first-time 98
performance-based Educational Choice scholarships under section 99
3310.03 of the Revised Code for the 2020-2021 school year to 100
students who are eligible for the scholarship for the first time 101
for the 2020-2021 school year and whose scholarships would have 102
been paid for under Section 265.210 of H.B. 166 of the 133rd 103

General Assembly, as amended by S.B. 120 of the 133rd General Assembly.	104 105
However, <u>for each of the 2020-2021 and 2021-2022 school years,</u> the Department shall accept, process, and award scholarships for any of the following:	106 107 108
(1) Students who received a scholarship in the 2019-2020 <u>previous</u> school year;	109 110
(2) A student who satisfies all of the following criteria:	111
(a) The student's sibling received a scholarship under section 3310.03 of the Revised Code during the 2019-2020 <u>or 2020-2021</u> school year.	112 113 114
(b) The student is enrolled in or would be enrolled in a building that, in the 2019-2020 <u>or 2020-2021</u> school year, met any of the conditions prescribed in section 3310.03 of the Revised Code.	115 116 117 118
(c) The student was enrolled in a public or nonpublic school in any of grades kindergarten through twelve or was homeschooled for the equivalent of those grades for the 2019-2020 <u>or 2020-2021</u> school year, or will be enrolled in kindergarten or will start homeschooling for the equivalent of kindergarten in the 2020-2021 <u>or 2021-2022</u> school year.	119 120 121 122 123 124
As used in this section, "sibling" means a brother, half-brother, sister, or half-sister, by birth, adoption, or marriage, without regard to residence or custodial status, or a child residing in the same household as a foster child or under a guardianship or custodial order. As used in this section, "foster child" means a child placed in a family foster home, as defined in section 5103.02 of the Revised Code.	125 126 127 128 129 130 131

(3) Students who were eligible for scholarships for the 2019-2020 or 2020-2021 school year, regardless of whether the students received scholarships for ~~that~~ either of those school ~~year~~ years, and remain eligible for the 2020-2021 and 2021-2022 school ~~year~~ years;

(4) Students who did not receive a scholarship for the 2019-2020 or 2020-2021 school year but, for the 2020-2021 or 2021-2022 school year are or would be newly enrolled in a building operated by the students' resident district that met the conditions prescribed in section 3310.03 of the Revised Code for the 2019-2020 or 2020-2021 school year, as that section existed for ~~that~~ 2019-2020 school year, and also continued to meet the conditions for the 2020-2021 or 2021-2022 school year, including students entering kindergarten, entering high school students, or students who have recently relocated to the district or building's attendance territory.

Scholarships for students described in divisions (A) (1), (2), (3), and (4) of this section shall be funded through deductions from the students' resident school districts in the manner described in section 3310.08 of the Revised Code.

The Department shall accept, process, or award performance-based Educational Choice scholarships for the each of the 2020-2021 and 2021-2022 school ~~year~~ years for students described in divisions (A) (1) to (4) of this section ~~under the~~ during a sixty-day-application period that begins on first day of April 1, 2020, pursuant to Section 265.210 of H.B. 166 of the 133rd General Assembly, as amended by S.B. 120 of the 133rd General Assembly of the previous school year.

(B) The Department shall accept, process, and award performance-based Educational Choice scholarships under section

3310.03 of the Revised Code beginning on February 1, 2021~~2022~~, 162
for the ~~2021-2022-2022-2023~~ school year in accordance with 163
section 3310.16 of the Revised Code. 164

(C) This section does not affect the awarding of income- 165
based scholarships. 166

Section 4. That existing Section 31 of H.B. 197 of the 167
133rd General Assembly is hereby repealed. 168

Section 5. That Section 17 of H.B. 197 of the 133rd 169
General Assembly (as amended by H.B. 164 of the 133rd General 170
Assembly) be amended to read as follows: 171

Sec. 17. Notwithstanding anything in the Revised Code or 172
Administrative Code to the contrary, for the 2019-2020 and 2020- 173
2021 school year only~~years only~~, except as otherwise provided in 174
this section, due to the ~~Director of Health's order under~~ 175
~~section 3701.13 of the Revised Code "In re: Order the Closure of~~ 176
~~All K-12 Schools in the State of Ohio" issued on March 14, 2020,~~ 177
~~or any local board of health order, and any extension of any~~ 178
~~order, based on the~~ implications of COVID-19, all of the 179
following apply: 180

(A) (1) Any city, exempted village, local, joint 181
vocational, or municipal school district, any community school 182
established under Chapter 3314. of the Revised Code, any STEM 183
school established under Chapter 3326. of the Revised Code, any 184
chartered nonpublic school, and the State School for the Deaf 185
and the State School for the Blind shall not be required to 186
administer the assessments prescribed in sections 3301.0710, 187
3301.0711, 3301.0712, 3313.903, and 3314.017 of the Revised 188
Code, including the Ohio English Language Proficiency Assessment 189
administered to English learners pursuant to division (C) (3) (b) 190

of section 3301.0711 of the Revised Code and the Alternate 191
Assessment for Students with Significant Cognitive Disabilities 192
prescribed in division (C) (1) of section 3301.0711 of the 193
Revised Code. The Department of Education shall seek a waiver, 194
not later than December 15, 2020, if possible, from the United 195
States Secretary of Education for testing requirements 196
prescribed under federal law for the 2020-2021 school year. If a 197
waiver becomes available after December 15, 2020, the Department 198
shall seek a waiver at that time. If the Department does not 199
receive a waiver, the Department shall determine which 200
assessments are required to meet federal requirements. The 201
Superintendent of Public Instruction shall adjust assessment 202
administration dates, prescribed under division (C) of section 203
3301.0710 of the Revised Code, to accommodate any assessment 204
administration required by federal law. School districts and 205
schools shall administer the assessments determined by the 206
Department to be federally required. 207

(2) Any chartered nonpublic school that has chosen to 208
administer assessments under section 3313.619 of the Revised 209
Code ~~that has not administered such assessments by March 17,~~ 210
~~2020,~~ shall not be required to administer those assessments. 211

(3) The Department of Education shall not exclude any 212
student to whom an assessment was not administered in the 2019- 213
2020 or 2020-2021 school year under division (A) of this section 214
from counting in a district's or school's enrollment for the 215
2020-2021 or 2021-2022 school year pursuant to division (L) (3) 216
of section 3314.08, division (E) (3) of section 3317.03, or 217
division (C) of section 3326.37 of the Revised Code. 218

(4) If a student was not administered an assessment in the 219
2019-2020 or 2020-2021 school year under division (A) of this 220

section, that school year shall not count in determining if the 221
student is subject to withdrawal from a school pursuant to 222
section 3313.6410 or 3314.26 of the Revised Code. 223

(5) No student who received a scholarship under the 224
Educational Choice Scholarship Program under section 3310.03 or 225
3310.032 of the Revised Code, the Jon Peterson Special Needs 226
Scholarship Program under section 3310.52 of the Revised Code, 227
or the Pilot Project Scholarship Program under section 3313.975 228
of the Revised Code for the 2019-2020 or 2020-2021 school year 229
shall be considered ineligible to renew that scholarship for the 230
2020-2021 or 2021-2022 school year solely because the student 231
was not administered an assessment in the 2019-2020 or 2020-2021 232
school year under division (A) of this section. 233

(B) (1) The Department of Education shall not publish state 234
report card ratings under section 3302.03, 3302.033, 3314.012, 235
or 3314.017 of the Revised Code for the 2019-2020, 2020-2021, 236
and 2021-2022 school years nor shall the Department be required 237
to submit preliminary data for the report cards by the thirty- 238
first day of July-31, for 2020, 2021, and 2022 as required by 239
those sections. Furthermore, the Department shall not assign an 240
overall letter grade under division (C) (3) of section 3302.03 of 241
the Revised Code for any school district or building, shall not 242
assign an individual grade to any component prescribed under 243
division (C) (3) of section 3302.03 of the Revised Code, shall 244
not assign a grade to any measures under division (C) (1) of 245
section 3302.03 of the Revised Code, and shall not rank school 246
districts, community schools, or STEM schools under section 247
3302.21 of the Revised Code for the 2019-2020, 2020-2021, and 248
2021-2022 school yearyears. 249

However, the Department shall report any data that it has 250

regarding the performance of districts and buildings for the 251
2019-2020 school year by September 15, 2020, for the 2020-2021 252
school year, by September 15, 2021, and by September 15, 2022, 253
for the 2020-2022 school year. 254

(2) The absence of report card ratings for the 2019-2020, 255
2020-2021, and 2021-2022 school ~~year~~ years shall have no effect 256
in determining sanctions or penalties, and shall not create a 257
new starting point for determinations that are based on ratings 258
over multiple years. The report card ratings of any previous or 259
subsequent years shall be considered in determining whether a 260
school district or building is subject to sanctions or 261
penalties. If a school district or building was subject to any 262
of the following penalties or sanctions in the 2019-2020 or 263
2020-2021 school year based on its report card rating for 264
previous school years, those penalties or sanctions shall remain 265
in effect for the 2020-2021, 2021-2022, and 2022-2023 school 266
~~year~~ years. Those penalties and sanctions include the following: 267

(a) Any restructuring provisions established under Chapter 268
3302. of the Revised Code, except as required under federal law; 269

(b) Provisions for the Columbus City School Pilot Project 270
under section 3302.042 of the Revised Code; 271

(c) Provisions for academic distress commissions under 272
section 3302.10 of the Revised Code. While a district subject to 273
an academic distress commission prior to ~~the effective date of~~ 274
~~this section~~ March 27, 2020, shall be considered to be subject 275
to an academic distress commission for the 2020-2021, 2021-2022, 276
and 2022-2023 school ~~year~~ years, that year ~~those years~~ shall not 277
be included for purposes of determining progressive consequences 278
under divisions (H), (I), (J), (K), and (L) of section 3302.10 279
of the Revised Code that are in addition to those that were 280

being exercised by the chief executive officer during the 2019- 281
2020, 2020-2021, and 2021-2022 school ~~year-years~~ or for purposes 282
of the appointment of a new board of education under division 283
(K) of that section. Nothing in division (B) (2) (c) of this 284
section shall be construed to limit the powers that the chief 285
executive officer exercised under section 3302.10 of the Revised 286
Code prior to the 2020-2021, 2021-2022, and 2022-2023 school 287
~~yearyears~~. 288

(d) Provisions prescribing new buildings where students 289
are eligible for the Educational Choice Scholarships under 290
section 3310.03 of the Revised Code; 291

(e) Provisions defining "challenged school districts" in 292
which new start-up community schools may be located, as 293
prescribed in section 3314.02 of the Revised Code; 294

(f) Provisions prescribing community school closure 295
requirements under section 3314.35 or 3314.351 of the Revised 296
Code; 297

(g) Provisions of state or federal law that identify 298
school districts or buildings for comprehensive or targeted 299
support and improvement or additional targeted support and 300
improvement. Districts and buildings so identified shall 301
continue to receive supports and interventions consistent with 302
their support and improvement plans in the 2020-2021, 2021-2022, 303
and 2022-2023 school ~~yearyears~~. 304

(h) Provisions that determine the conditions under which 305
community schools may change sponsors under section 3314.034 of 306
the Revised Code. 307

(C) No school district, community school, or STEM school 308
and no chartered nonpublic school that is subject to section 309

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 or 2020-2021 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 or 2020-2021 school year or was on track to graduate in the 2019-2020 or 2020-2021 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, or due to any local board of health order to close schools, or any extension of such an order due to the implications of COVID-19 shall continue to so apply, even if the order or extension has been rescinded prior to July 1, 2021. No district or school shall grant a high school diploma under division (D) (2) of this section after September 30, ~~2020~~2021.

(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 371
engaged in learning opportunities ~~between March 17, 2020, and~~ 372
~~the remainder of the school year~~while addressing the 373
implications of COVID-19; 374

(b) Grant students who need in-person instructional 375
experiences to complete requirements for a diploma or a career- 376
technical education program access to school facilities as soon 377
as it is reasonably possible after the Director of Health 378
permits such access to resume, even if the last instructional 379
day of the school year has already passed. 380

(E) For the purpose of teacher evaluations conducted under 381
sections 3319.111 and 3319.112 of the Revised Code, no school 382
district board of education shall use value-added progress 383
dimension data, established under section 3302.021 of the 384
Revised Code, from the 2019-2020 or 2020-2021 school year to 385
measure student learning attributable to the teacher being 386
evaluated. 387

(F) (1) For community school sponsor evaluations required 388
under section 3314.016 of the Revised Code, the Department shall 389
not issue a rating for the components under division (B) (1) of 390
that section to any sponsor, nor shall the Department issue an 391
overall rating for the sponsor. The Department shall allow a 392
sponsor to indicate that it could not comply with an applicable 393
law or administrative rule or fully adhere to a quality practice 394
because the required action was unable to be completed due to 395
the Director of Health's order under section 3701.13 of the 396
Revised Code "In Re: Order the Closure of All K-12 Schools in 397
the State of Ohio" issued on March 14, 2020, any local board of 398
health order, or any extension of such an order. 399

(2) The absence of community school sponsor ratings for 400

the 2019-2020 and 2020-2021 school ~~year-years~~ shall have no 401
effect in determining sanctions or penalties of a sponsor under 402
Chapter 3314. of the Revised Code and shall not create a new 403
starting point for determinations that are based on ratings over 404
multiple years. The sponsor ratings of any previous or 405
subsequent school years shall be considered when a sponsor is 406
subject to sanctions or penalties under that chapter. A sponsor 407
shall remain eligible in the 2020-2021 and 2021-2022 school ~~year-~~ 408
years for any incentives that the sponsor was eligible for in 409
the 2019-2020 or 2020-2021 school year, and the 2019-2020 and 410
2020-2021 school ~~year-years~~ shall not count toward the number of 411
years in which a sponsor subject to division (B) (7) (b) of 412
section 3314.016 of the Revised Code is not required to be 413
evaluated. 414

(G) The Superintendent of Public Instruction may waive the 415
requirement to complete any report prescribed by law that is 416
based on data from assessments that would have been but were not 417
administered during the 2019-2020 or 2020-2021 school year 418
pursuant to division (A) of this section. 419

(H) The Department, on behalf of the State Board of 420
Education, may issue a one-year, nonrenewable provisional 421
license to any individual to practice in any category, type, and 422
level for which the State Board issues a license pursuant to 423
Title XXXVIII of the Revised Code, if the individual has met all 424
requirements for the requested license except for the 425
requirement to pass an examination prescribed by the State Board 426
in the subject area for which application is being made. Any 427
individual to whom a provisional license is issued under this 428
division shall take and pass the appropriate subject area 429
examination prior to expiration of the license as a condition of 430
advancing the license in the appropriate category, type, and 431

level. The Department shall not issue a provisional license 432
under this division that is valid on or after July 1, 2021. 433

(I) The Superintendent of Public Instruction may extend or 434
waive any deadline for an action required of the State Board of 435
Education, the Department of Education, or any person or entity 436
licensed or regulated by the State Board or Department ~~during~~ 437
~~the duration of the Director of Health's order under section~~ 438
~~3701.13 of the Revised Code "In re: Order the Closure of All K-~~ 439
~~12 Schools in the State of Ohio" issued on March 14, 2020, or~~ 440
~~any local board of health order, and any extension of any order,~~ 441
~~based on the implications of COVID-19, as necessary to ensure~~ 442
~~that the safety of students, families, and communities are~~ 443
~~prioritized while continuing to ensure the efficient operation~~ 444
~~of the Department and public and private schools in this state.~~ 445
~~Deadlines that may be extended or waived by the State~~ 446
~~Superintendent include, but are not limited to, deadlines~~ 447
related to the following: 448

(1) The conduct of evaluations for school personnel under 449
Chapter 3319. of the Revised Code; 450

(2) Notice of intent not to reemploy school personnel 451
under Chapter 3319. Of the Revised Code; 452

(3) The conduct of school safety drills under section 453
3737.73 of the Revised Code; 454

(4) The emergency management test required by division (E) 455
of section 3313.536 of the Revised Code; 456

(5) The filling of a vacancy in a board of education; 457

(6) Updating of teacher evaluation policies to conform 458
with the framework for evaluation of teachers adopted under 459
section 3319.112 of the Revised Code; 460

(7) Identification and screening of gifted students under 461
Chapter 3324. of the Revised Code. 462

(J) Notwithstanding anything in the Revised Code or 463
Administrative Code to the contrary, the Chancellor of Higher 464
Education, in consultation with the Superintendent of Public 465
Instruction, may waive, extend, suspend, or modify requirements 466
of the College Credit Plus program if the Chancellor, in 467
consultation with the Superintendent, determines the waiver, 468
extension, suspension, or modification is necessary in response 469
to COVID-19. 470

(K) The Superintendent of Public Instruction shall 471
collaborate with providers in the 22+ Adult High School Diploma 472
Program authorized under sections 3314.38, 3317.23, 3317.231, 473
3317.24, and 3345.86 of the Revised Code and the Adult Diploma 474
Program authorized under section 3313.902 of the Revised Code, 475
and rules adopted thereunder, to ensure that the providers have 476
maximum flexibility to assist students whose progress in the 477
program has been affected by the Director of Health's order to 478
complete the requirements to earn a high school diploma. For 479
this purpose, the State Superintendent may waive or extend 480
deadlines, or otherwise grant providers and students 481
flexibility, for completion of program requirements. 482

(L) No school district shall require the parent of any 483
student who was instructed at home in accordance with section 484
3321.04 of the Revised Code for the 2019-2020 or 2020-2021 485
school year to submit to the district superintendent the 486
academic assessment report required under rule 3301-34-04 of the 487
Administrative Code as a condition of the district allowing the 488
student to continue to receive home instruction for the 2020- 489
2021 or 2021-2022 school year. 490

(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, or due to any local board of health order to close schools, or any extension of such an order due to the implications of COVID-19, even if the order or extension has been rescinded prior to July 1, 2021, had not completed an evaluation that was required under Chapter 3319. of the Revised Code for the 2019-2020 or 2020-2021 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 or 2020-2021 school year, the employee shall be considered not to have had evaluation procedures complied with pursuant to section 3319.111 of the Revised Code for purposes of section 3319.11 of the Revised Code. The district board may collaborate with any bargaining organization representing employees of the district in determining whether to complete evaluations for the 2019-2020 or 2020-2021 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 6. That existing Section 17 of H.B. 197 of the 133rd General Assembly (as amended by H.B. 164 of the 133rd General Assembly) is hereby repealed.

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

Sec. 7. Notwithstanding the amendment or repeal of 522
sections 3319.111, 3319.112, and 3319.114 of the Revised Code by 523
S.B. 216 of the 132nd General Assembly, for the 2018-2019 ~~and,~~ 524
2019-2020, and 2020-2021 school years, the following shall 525
apply: 526

(A) Each school district, other than a district 527
participating in the pilot program established under Section 6 528
of S.B. 216 of the 132nd General Assembly, shall conduct teacher 529
evaluations in accordance with those sections as they existed 530
prior to November 2, 2018, except that if the district board of 531
education, in the 2019-2020 or 2020-2021 school year, chooses to 532
complete an evaluation for a teacher to whom division (C) (2) (a) 533
or (b) of section 3319.111 of the Revised Code applies without a 534
student growth measure as part of the evaluation, the board may 535
continue to evaluate that teacher every three or two years, 536
respectively. Any teacher who did not have a student academic 537
growth measure as part of the teacher's evaluation for the 2019- 538
2020 or 2020-2021 school year shall remain at the same point in 539
the teacher's evaluation cycle, and shall retain the same 540
evaluation rating, for the 2020-2021 and 2021-2022 school ~~year-~~ 541
years as for the 2019-2020 school year. 542

(B) Each state agency that employs teachers shall conduct 543
teacher evaluations in accordance with its teacher evaluation 544
policy developed under former division (E) of section 3319.112 545
of the Revised Code, as it existed prior to November 2, 2018. 546

(C) Any reference in law to evaluations conducted under 547
section 3319.111 of the Revised Code shall be construed to 548
include evaluations conducted as required by this section. 549

(D) References to "evaluation procedures" in section 550
3319.11 of the Revised Code shall be construed to include the 551

evaluation procedures required by this section. 552

Section 8. That existing Section 7 of S.B. 216 of the 553
132nd General Assembly (as amended by H.B. 164 of the 133rd 554
General Assembly) is hereby repealed. 555

Section 9. This act is hereby declared to be an emergency 556
measure necessary for the immediate preservation of the public 557
peace, health, and safety. The reason for such necessity is to 558
ensure that the changes made by this act take effect before or 559
as soon as possible after the start of the 2020-2021 school 560
year. Therefore, this act shall go into immediate effect. 561