

**As Reported by the Senate Education Committee**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Sub. S. B. No. 358**

**Senators Fedor, Manning**

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

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**A BILL**

To amend sections 3302.036, 3302.12, and 3302.17; 1  
to enact sections 3302.037 and 3302.103; and to 2  
repeal section 3302.042 of the Revised Code; and 3  
to amend Section 12 of H.B. 164 of the 133rd 4  
General Assembly and Section 17 of H.B. 197 of 5  
the 133rd 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 3302.036, 3302.12, and 3302.17 be 11  
amended and sections 3302.037 and 3302.103 of the Revised Code 12  
be enacted to read as follows: 13

**Sec. 3302.036.** (A) Notwithstanding anything in the Revised 14  
Code to the contrary, the department of education shall not 15  
assign an overall letter grade under division (C)(3) of section 16  
3302.03 of the Revised Code for any school district or building 17  
for the 2014-2015, 2015-2016, or 2016-2017 school years, may, at 18

the discretion of the state board of education, not assign an 19  
individual grade to any component prescribed under division (C) 20  
(3) of section 3302.03 of the Revised Code, and shall not rank 21  
school districts, community schools established under Chapter 22  
3314. of the Revised Code, or STEM schools established under 23  
Chapter 3326. of the Revised Code under section 3302.21 of the 24  
Revised Code for those school years. The report card ratings 25  
issued for the 2014-2015, 2015-2016, or 2016-2017 school years 26  
shall not be considered in determining whether a school district 27  
or a school is subject to sanctions or penalties. However, the 28  
report card ratings of any previous or subsequent years shall be 29  
considered in determining whether a school district or building 30  
is subject to sanctions or penalties. Accordingly, the report 31  
card ratings for the 2014-2015, 2015-2016, or 2016-2017 school 32  
years shall have no effect in determining sanctions or 33  
penalties, but shall not create a new starting point for 34  
determinations that are based on ratings over multiple years. 35

(B) The provisions from which a district or school is 36  
exempt under division (A) of this section shall be the 37  
following: 38

(1) Any restructuring provisions established under this 39  
chapter, except as required under the "No Child Left Behind Act 40  
of 2001"; 41

~~(2) Provisions for the Columbus city school pilot project 42  
under section 3302.042 of the Revised Code; 43~~

~~(3) Provisions for academic distress commissions under 44  
former section 3302.10 of the Revised Code as it existed prior 45  
to the effective date of this amendment October 15, 2015. The 46  
provisions of this section do not apply to academic distress 47  
commissions under the version of that section as it exists on or 48~~

~~after the effective date of this amendment, October 15, 2015.~~ 49

~~(4)~~ (3) Provisions prescribing new buildings where 50  
students are eligible for the educational choice scholarships 51  
under section 3310.03 of the Revised Code; 52

~~(5)~~ (4) Provisions defining "challenged school districts" 53  
in which new start-up community schools may be located, as 54  
prescribed in section 3314.02 of the Revised Code; 55

~~(6)~~ (5) Provisions prescribing community school closure 56  
requirements under section 3314.35 or 3314.351 of the Revised 57  
Code. 58

(C) Notwithstanding anything in the Revised Code to the 59  
contrary and except as provided in Section 3 of H.B. 7 of the 60  
131st general assembly, no school district, community school, or 61  
STEM school shall utilize at any time during a student's 62  
academic career a student's score on any assessment administered 63  
under division (A) of section 3301.0710 or division (B) (2) of 64  
section 3301.0712 of the Revised Code in the 2014-2015, 2015- 65  
2016, or 2016-2017 school ~~year~~ years as a factor in any decision 66  
to promote or to deny the student promotion to a higher grade 67  
level or in any decision to grant course credit. No individual 68  
student score reports on such assessments administered in the 69  
2014-2015, 2015-2016, or 2016-2017 school years shall be 70  
released, except to a student's school district or school or to 71  
the student or the student's parent or guardian. 72

Sec. 3302.037. (A) As used in this section, "academic 73  
distress commission" means an academic distress commission 74  
established under section 3302.10 of the Revised Code. 75

(B) Not later than sixty days after the effective date of 76  
this section, the department of education shall establish a 77

process under which the board of education of a city, local, or 78  
exempted village school district that is subject to an academic 79  
distress commission on the effective date of this section may 80  
submit a proposal to transition out of control of the academic 81  
distress commission. Each proposal shall include all of the 82  
following: 83

(1) A description of the academic progress that the 84  
district is making; 85

(2) A rationale for transitioning the district out of 86  
control of an academic distress commission based on that 87  
academic progress; 88

(3) Any other information or data that the district board 89  
considers relevant. 90

(C) There is hereby established a committee to review 91  
proposals submitted under this section. The department shall 92  
provide any necessary support to the committee in conducting its 93  
reviews. The committee shall consist of all of the following: 94

(1) The governor or designee; 95

(2) The chairperson of the standing committee of the house 96  
of representatives that considers primary and secondary 97  
education legislation; 98

(3) The chairperson of the standing committee of the 99  
senate that considers primary and secondary education 100  
legislation. 101

(D) The committee established under this section shall 102  
review proposals submitted under this section at a public 103  
hearing. During its review, the committee may consider any data 104  
included on the report card issued under section 3302.03 of the 105

Revised Code for the 2019-2020 school year for the district. At 106  
the public hearing, the committee shall vote on whether to 107  
recommend that the superintendent of public instruction approve 108  
a proposal submitted under this section. A proposal that 109  
receives a majority vote in favor of recommending approval shall 110  
be considered to have the committee's favorable recommendation. 111

(E) Upon completion of a public hearing and vote on a 112  
proposal under division (D) of this section, the state 113  
superintendent shall consider the proposal and whether the 114  
committee established under this section provided a favorable 115  
recommendation for its approval. The state superintendent shall 116  
approve a proposal only if the state superintendent determines 117  
that the school district in the proposal is making sufficient 118  
academic progress to transition out of control of an academic 119  
distress commission. 120

(F) Notwithstanding any provision of the Revised Code to 121  
the contrary, for a proposal approved under division (E) of this 122  
section, not later than June 30, 2021, the academic distress 123  
commission established on or before the effective date of this 124  
section for the district shall transition operational, 125  
managerial, and instructional control from the academic distress 126  
commission and the chief executive officer appointed by the 127  
commission back to the district board. Upon completion of the 128  
transition, the chief executive officer shall relinquish all 129  
operational, managerial, and instructional control of the 130  
district to the district board and district superintendent, and 131  
the academic distress commission shall cease to exist. 132

A school district for which an academic distress 133  
commission is dissolved under division (F) of this section shall 134  
not be subject to an academic distress commission on or after 135

the effective date of this section based on any report card 136  
ratings issued under section 3302.03 of the Revised Code prior 137  
to that date. However, that district shall be subject to an 138  
academic distress commission in accordance with section 3302.10 139  
of the Revised Code based on any report card ratings issued on 140  
or after that date. 141

**Sec. 3302.103.** Notwithstanding anything to the contrary in 142  
section 3302.10 of the Revised Code or division (B) (2) (c) of 143  
Section 17 of H.B. 197 of the 133rd general assembly, as 144  
subsequently amended: 145

(A) Beginning on the effective date of this section, an 146  
academic distress commission established under section 3302.10 147  
of the Revised Code on or before the effective date of this 148  
section shall begin to transition operational, managerial, and 149  
instructional control from the academic distress commission and 150  
the chief executive officer appointed by the commission back to 151  
the district board of education, if the district for which the 152  
commission was established received an overall grade of "D" or 153  
higher under division (C) (3) of section 3302.03 of the Revised 154  
Code on the state report card for the 2018-2019 school year. 155  
During the transition period, the chief executive officer shall 156  
work closely with the district board and the district 157  
superintendent to increase their ability to resume control of 158  
the district and sustain the district's academic improvement 159  
over time. 160

(B) During the transition period, the district shall 161  
continue to operate under the academic distress commission as 162  
prescribed in section 3302.10 of the Revised Code until May 30, 163  
2021. On that date, the chief executive officer shall relinquish 164  
all operational, managerial, and instructional control of the 165

district to the district board and district superintendent, and 166  
the academic distress commission shall cease to exist. 167

(C) The department of education shall pay the remainder of 168  
each chief executive officer's contract upon dissolution of the 169  
academic distress commission as specified in division (A) of 170  
this section. 171

**Sec. 3302.12.** (A) (1) Except as provided in divisions (C) 172  
and (D) of this section, this section applies to a school 173  
building that is ranked according to performance index score 174  
under section 3302.21 of the Revised Code in the lowest five per 175  
cent of public school buildings statewide for three consecutive 176  
years and that meets any combination of the following for three 177  
consecutive years: 178

(a) The school building is declared to be under an 179  
academic watch or in a state of academic emergency under section 180  
3302.03 of the Revised Code; 181

(b) The school building that has received a grade of "F" 182  
for the value-added progress dimension under division (A) (1) (e), 183  
(B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code; 184

(c) The school building that has received an overall grade 185  
of "F" under section 3302.03 of the Revised Code. 186

(2) In the case of a building to which this section 187  
applies, the district board of education in control of that 188  
building shall do one of the following at the conclusion of the 189  
school year in which the building first becomes subject to this 190  
section: 191

(a) Close the school and direct the district 192  
superintendent to reassign the students enrolled in the school 193  
to other school buildings that demonstrate higher academic 194

achievement;	195
(b) Contract with another school district or a nonprofit	196
or for-profit entity with a demonstrated record of effectiveness	197
to operate the school;	198
(c) Replace the principal and all teaching staff of the	199
school and, upon request from the new principal, exempt the	200
school from all requested policies and regulations of the board	201
regarding curriculum and instruction. The board also shall	202
distribute funding to the school in an amount that is at least	203
equal to the product of the per pupil amount of state and local	204
revenues received by the district multiplied by the student	205
population of the school.	206
(d) Reopen the school as a conversion community school	207
under Chapter 3314. of the Revised Code.	208
(B) If an action taken by the board under division (A) (2)	209
of this section causes the district to no longer maintain all	210
grades kindergarten through twelve, as required by section	211
3311.29 of the Revised Code, the board shall enter into a	212
contract with another school district pursuant to section	213
3327.04 of the Revised Code for enrollment of students in the	214
schools of that other district to the extent necessary to comply	215
with the requirement of section 3311.29 of the Revised Code.	216
Notwithstanding any provision of the Revised Code to the	217
contrary, if the board enters into and maintains a contract	218
under section 3327.04 of the Revised Code, the district shall	219
not be considered to have failed to comply with the requirement	220
of section 3311.29 of the Revised Code. If, however, the	221
district board fails to or is unable to enter into or maintain	222
such a contract, the state board of education shall take all	223
necessary actions to dissolve the district as provided in	224



division (A) of section 3311.29 of the Revised Code. 225

~~(C) If a particular school is required to restructure 226  
under this section and a petition with respect to that same 227  
school has been filed and verified under divisions (B) and (C) 228  
of section 3302.042 of the Revised Code, the provisions of that 229  
section and the petition filed and verified under it shall 230  
prevail over the provisions of this section and the school shall 231  
be restructured under that section. However, if division (D) (1), 232  
(2), or (3) of section 3302.042 of the Revised Code also applies 233  
to the school, the school shall be subject to restructuring 234  
under this section and not section 3302.042 of the Revised Code. 235~~

If the provisions of this section conflict in any way with 236  
the requirements of federal law, federal law shall prevail over 237  
the provisions of this section. 238

(D) If a school is restructured under this section, 239  
section ~~3302.042~~ or 3302.10 of the Revised Code, or federal law, 240  
the school shall not be required to restructure again under 241  
state law for three consecutive years after the implementation 242  
of that prior restructuring. 243

**Sec. 3302.17.** (A) Any school building operated by a city, 244  
exempted village, or local school district, or a community 245  
school established under Chapter 3314. of the Revised Code is 246  
eligible to initiate the community learning center process as 247  
prescribed by this section. 248

(B) Beginning with the 2015-2016 school year, each 249  
district board of education or community school governing 250  
authority may initiate a community learning center process for 251  
any school building ~~to which this section applies~~ under its 252  
control. 253

First, the board or governing authority shall conduct a 254  
public information hearing at each school building ~~to which this~~ 255  
~~section applies that district board or school governing~~ 256  
authority selects to inform the community of the community 257  
learning center process. The board or governing authority may do 258  
all of the following with regard to the public information 259  
hearing: 260

(1) Announce the meeting not less than forty-five days in 261  
advance at the school and on the school's or district's web 262  
sites and using tools to ensure effective communication with 263  
individuals with disabilities; 264

(2) Schedule the meeting for an evening or weekend time; 265

(3) Provide interpretation services and written materials 266  
in all languages spoken by five per cent or more of the students 267  
enrolled in the school; 268

(4) Provide child care services for parents attending the 269  
meeting; 270

(5) Provide parents, students, teachers, nonteaching 271  
employees, and community members with the opportunity to speak 272  
at the meeting; 273

(6) Comply with section 149.43 of the Revised Code. 274

In preparing for the public information hearing, the board 275  
or governing authority shall ensure that information about the 276  
hearing is broadly distributed throughout the community. 277

The board or governing authority may enter into an 278  
agreement with any civic engagement organizations, community 279  
organizations, or employee organizations to support the 280  
implementation of the community learning center process. 281

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

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

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

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

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

initiating the process; and 312

(2) At least fifty per cent of teachers and nonteaching 313  
employees who are assigned to the school cast ballots by a date 314  
set by the board or governing authority, and of those ballots at 315  
least sixty-seven per cent are in favor of initiating the 316  
process. 317

(E) If a community learning center process is initiated 318  
under this section, the board or governing authority shall 319  
create a school action team under section 3302.18 of the Revised 320  
Code. Within four months upon selection, the school action team 321  
shall conduct and complete, in consultation with community 322  
partners, a performance audit of the school and review, with 323  
parental input, the needs of the school with regard to 324  
restructuring under section 3302.10~~7~~or 3302.12~~7~~or ~~3302.042~~ of 325  
the Revised Code, or federal law. 326

The school action team shall provide quarterly updates of 327  
its work in a public hearing that complies with the same 328  
specifications prescribed in division (B) of this section. 329

(F) Upon completion of the audit and review, the school 330  
action team shall present its findings at a public hearing that 331  
complies with the same specifications prescribed in division (B) 332  
of this section. After the school action team presents its 333  
findings at the public hearing, it shall create a community 334  
learning center improvement plan that designates appropriate 335  
interventions, which may be based on the recommendations 336  
developed by the department under division (H) (1) (b) of this 337  
section. 338

If there is a federally mandated school improvement 339  
planning process, the team shall coordinate its work with that 340

plan. 341

The school action team shall approve the plan by a 342  
majority vote. 343

(G) Upon approval of the plan by the school action team, 344  
the team shall submit the community learning center improvement 345  
plan to the same individuals described in division (C) of this 346  
section. Ballots shall be distributed and an election shall be 347  
conducted in the same manner as indicated under that division. 348

The school action team shall submit the plan to the 349  
district board of education or community school governing 350  
authority, if the results of the election under division (G) of 351  
this section are as follows: 352

(1) At least thirty per cent of parents and guardians of 353  
students enrolled in the eligible school building and students 354  
enrolled in a different building operated by a joint vocational 355  
school district but who are entitled to attend the school cast 356  
ballots by a date set by the board or governing authority, and 357  
of those ballots at least fifty per cent are in favor of 358  
initiating the process; and 359

(2) At least thirty per cent of teachers and nonteaching 360  
employees who are assigned to the school cast ballots by a date 361  
set by the board or governing authority, and of those ballots at 362  
least fifty per cent are in favor of initiating the process. 363

The board or governing authority shall evaluate the plan 364  
and determine whether to adopt it. The board or governing 365  
authority shall adopt the plan in full or adopt portions of the 366  
plan. If the board or governing authority does not adopt the 367  
plan in full, it shall provide a written explanation of why 368  
portions of the plan were rejected. 369

(H) (1) The department shall do all of the following with respect to this section:	370 371
(a) Adopt rules regarding the elections required under this section;	372 373
(b) Develop appropriate interventions for a community learning center improvement plan that may be used by a school action team under division (F) of this section;	374 375 376
(c) Publish a menu of programs and services that may be offered by community learning centers. The information shall be posted on the department's web site. To compile this information the department shall solicit input from resource coordinators of existing community learning centers.	377 378 379 380 381
(d) Provide information regarding implementation of comprehensive community-based programs and supportive services including the community learning center model to school buildings meeting any of the following conditions:	382 383 384 385
(i) The building is in improvement status as defined by the "No Child Left Behind Act of 2001" or under an agreement between the Ohio department of education and the United States secretary of education.	386 387 388 389
(ii) The building is a secondary school that is among the lowest achieving fifteen per cent of secondary schools statewide, as determined by the department.	390 391 392
(iii) The building is a secondary school with a graduation rate of sixty per cent or lower for three or more consecutive years.	393 394 395
(iv) The building is a school that the department determines is persistently low-performing.	396 397

(2) The department may do the following with respect to this section:	398 399
(a) Provide assistance, facilitation, and training to school action teams in the conducting of the audit required under this section;	400 401 402
(b) Provide opportunities for members of school action teams from different schools to share school improvement strategies with parents, teachers, and other relevant stakeholders in higher performing schools;	403 404 405 406
(c) Provide financial support in a school action team's planning process and create a grant program to assist in the implementation of a qualified community learning center plan.	407 408 409
(I) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of a collective bargaining agreement entered into on or after <del>the effective date of this section</del> <u>October 15, 2015</u> . However, the board or governing authority and the teachers' labor organization may negotiate additional factors to be considered in the adoption of a community learning center plan.	410 411 412 413 414 415 416 417
<b>Section 2.</b> That existing sections 3302.036, 3302.12, and 3302.17 of the Revised Code are hereby repealed.	418 419
<b>Section 3.</b> That section 3302.042 of the Revised Code is hereby repealed.	420 421
<b>Section 4.</b> That Section 12 of H.B. 164 of the 133rd General Assembly be amended to read as follows:	422 423
<b>Sec. 12.</b> (A) As used in this section:	424
(1) "End-of-course examination" means an end-of-course	425

examination prescribed under section 3301.0712 of the Revised Code.	426 427
(2) "District or school" means any of the following:	428
(a) A city, local, exempted village, or joint vocational school district;	429 430
(b) A community school established under Chapter 3314. of the Revised Code;	431 432
(c) A STEM school established under Chapter 3326. of the Revised Code;	433 434
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	435 436
(e) The State School for the Deaf;	437
(f) The State School for the Blind;	438
(g) A chartered nonpublic school.	439
(3) "Qualifying course" means a course associated with an end-of-course examination.	440 441
<u>(4) "Qualifying student" means a student to whom any of the following apply:</u>	442 443
<u>(a) The student is being quarantined.</u>	444
<u>(b) The student or a member of the student's family is medically compromised and the student cannot attend school or another physical location outside of the home for testing.</u>	445 446 447
<u>(c) The student resides in a geographic area that is subject to an order issued by the Governor, the Department of Health, or the board of health of a city or general health district that requires all persons in that area to remain in</u>	448 449 450 451



their residences. 452

(d) The student is receiving instruction primarily through 453  
a remote learning model up through the deadline for the end-of- 454  
course examination, and the examination cannot be administered 455  
remotely. 456

(B) Notwithstanding anything to the contrary in sections 457  
3313.618 and 3313.6114 of the Revised Code, a student who was 458  
scheduled to take or retake an end-of-course examination in the 459  
2019-2020 or 2020-2021 school year, but did not do so because 460  
the administration of that examination was canceled or because 461  
the student was a qualifying student, may use the student's 462  
final course grade in the course associated with that 463  
examination in lieu of a score on the examination to satisfy 464  
conditions for a high school diploma prescribed under sections 465  
3313.618 and 3313.6114 of the Revised Code. A student who was 466  
scheduled to take the end-of-course examination for the first 467  
time in the 2019-2020 or 2020-2021 school year may use the final 468  
course grade for the qualifying course that the student 469  
completed in that school year, while a student who was scheduled 470  
to retake the examination in the 2019-2020 or 2020-2021 school 471  
year may use a final course grade for a qualifying course that 472  
the student completed in the 2019-2020 or 2020-2021 school year 473  
or a prior school year. For the purposes of determining whether 474  
a student satisfies a condition, a final course grade shall be 475  
equivalent to a level of skill prescribed under division (B) (5) 476  
(a) of section 3301.0712 of the Revised Code or a competency 477  
score prescribed under division (B) (10) of that section, as 478  
follows: 479

(1) Any "A" letter grade shall be equivalent to an 480  
advanced level of skill. 481

(2) Any "B" letter grade shall be equivalent to an accelerated level of skill.	482 483
(3) Any "C" letter grade shall be equivalent to a proficient level of skill.	484 485
(4) Any "D" letter grade shall be equivalent to a basic level of skill.	486 487
(5) Any "F" letter grade shall be equivalent to a limited level of skill.	488 489
(6) Any "C" letter grade or higher shall be equivalent to a competency score.	490 491
(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.	492 493 494 495 496 497 498 499
(C) A student who completed a qualifying course in the 2019-2020 <u>or 2020-2021</u> school year shall be deemed to have completed an administration of the end-of-course examination associated with that course for the purposes of determining whether that student may demonstrate competency in a subject area using one of the options prescribed under divisions (B)(1)(a) to (c) of section 3313.618 of the Revised Code.	500 501 502 503 504 505 506
(D) A student who completed a qualifying course in the 2019-2020 <u>or 2020-2021</u> school year may elect to take the end-of-course examination associated with that course in an administration of that examination in a subsequent school year.	507 508 509 510

**Section 5.** That existing Section 12 of H.B. 164 of the 133rd General Assembly is hereby repealed. 511  
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**Section 6.** That Section 17 of H.B. 197 of the 133rd General Assembly (as amended by H.B. 164 of the 133rd General Assembly) be amended to read as follows: 513  
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**Sec. 17.** Notwithstanding anything in the Revised Code or Administrative Code to the contrary, for the 2019-2020 and 2020-2021 school year only years 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: 516  
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~~(A)(1) Any~~ (A)(1)(a) For the 2019-2020 school year only, 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. 525  
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(b) If a waiver from testing requirements prescribed under 540

federal law becomes available from the United States Secretary 541  
of Education for the 2020-2021 school year, the Superintendent 542  
of Public Instruction shall consult with stakeholders, 543  
including, but not limited to, the Buckeye Association of School 544  
Administrators, the Ohio School Boards Association, the Ohio 545  
Association of School Business Officials, the Ohio Education 546  
Association, the Ohio Federation of Teachers, the Ohio Parent 547  
Teacher Association, the Ohio Chamber of Commerce, and Ohio 548  
Excels, regarding whether to seek that waiver. After consulting 549  
with stakeholders, the state Superintendent may submit to the 550  
United States Secretary of Education a request for a waiver. 551

(c) If the waiver described in division (A)(1)(b) of this 552  
section is granted, for the 2020-2021 school year only, no city, 553  
exempted village, local, joint vocational, or municipal school 554  
district, any community school established under Chapter 3314. 555  
of the Revised Code, any STEM school established under Chapter 556  
3326. of the Revised Code, any chartered nonpublic school, and 557  
the State School for the Deaf and the State School for the Blind 558  
shall be required to administer any of the assessments described 559  
in division (A)(1)(a) of this section, except that districts and 560  
schools shall administer the assessment prescribed under 561  
division (B)(1) of section 3301.0712 of the Revised Code. 562

(2) Any chartered nonpublic school that has chosen to 563  
administer assessments under section 3313.619 of the Revised 564  
Code that has not administered such assessments by March 17, 565  
2020, shall not be required to administer those assessments for 566  
the 2019-2020 school year. In addition, any chartered nonpublic 567  
school that has chosen to administer assessments under section 568  
3313.619 of the Revised Code shall not be required to administer 569  
those assessments for the 2020-2021 school year if the school 570  
elects not to administer assessments in accordance with division 571

(A) (1) (c) of this section. 572

(3) The Department of Education shall not exclude any 573  
student to whom an assessment was not administered in the 2019- 574  
2020 or 2020-2021 school year under division (A) of this section 575  
from counting in a district's or school's enrollment for the 576  
2020-2021 or 2021-2022 school year pursuant to division (L) (3) 577  
of section 3314.08, division (E) (3) of section 3317.03, or 578  
division (C) of section 3326.37 of the Revised Code. 579

(4) If a student was not administered an assessment in the 580  
2019-2020 or 2021-2022 school year under division (A) of this 581  
section, that school year shall not count in determining if the 582  
student is subject to withdrawal from a school pursuant to 583  
section 3313.6410 or 3314.26 of the Revised Code. 584

(5) No student who received a scholarship under the 585  
Educational Choice Scholarship Program under section 3310.03 or 586  
3310.032 of the Revised Code, the Jon Peterson Special Needs 587  
Scholarship Program under section 3310.52 of the Revised Code, 588  
or the Pilot Project Scholarship Program under section 3313.975 589  
of the Revised Code for the 2019-2020 or 2020-2021 school year 590  
shall be considered ineligible to renew that scholarship for the 591  
2020-2021 or 2021-2022 school year solely because the student 592  
was not administered an assessment in the 2019-2020 or 2020-2021 593  
school year under division (A) of this section. 594

(B) (1) The Department of Education shall not publish state 595  
report card ratings under section 3302.03, 3302.033, 3314.012, 596  
or 3314.017 of the Revised Code for the 2019-2020 and 2020-2021 597  
school years nor shall the Department be required to submit 598  
preliminary data for the report cards by the thirty-first day of 599  
July 31, for 2020, and 2021, as required by those sections. 600  
Furthermore, the Department shall not assign an overall letter 601

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 and 2020-2021 school ~~year~~years.

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, and for the 2020-2021 school year, by September 15, 2021.

(2) The absence of report card ratings for the 2019-2020 and 2020-2021-school ~~year~~years 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 or 2020-2021 school year based on its report card rating for previous school years, those penalties or sanctions shall remain in effect for the 2020-2021, 2021-2022, and 2022-2023 school ~~year~~years. 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;~~

~~(e)~~ Provisions for academic distress commissions under 631  
section 3302.10 of the Revised Code. While a district subject to 632  
an academic distress commission prior to ~~the effective date of~~ 633  
~~this section~~ March 27, 2020, shall be considered to be subject 634  
to an academic distress commission for the 2020-2021, 2021-2022, 635  
and 2022-2023 school ~~year~~years, ~~that year~~ those years shall not 636  
be included for purposes of determining progressive consequences 637  
under divisions (H), (I), (J), (K), and (L) of section 3302.10 638  
of the Revised Code that are in addition to those that were 639  
being exercised by the chief executive officer during the 2019- 640  
2020, 2020-2021, and 2021-2022 school ~~year~~years or for purposes 641  
of the appointment of a new board of education under division 642  
(K) of that section. Nothing in division (B)(2)(c) of this 643  
section shall be construed to limit the powers that the chief 644  
executive officer exercised under section 3302.10 of the Revised 645  
Code prior to the 2020-2021, 2021-2022, and 2022-2023 school 646  
~~year~~years. 647

~~(d)~~ (c) Provisions prescribing new buildings where 648  
students are eligible for the Educational Choice Scholarships 649  
under section 3310.03 of the Revised Code; 650

~~(e)~~ (d) Provisions defining "challenged school districts" 651  
in which new start-up community schools may be located, as 652  
prescribed in section 3314.02 of the Revised Code; 653

~~(f)~~ (e) Provisions prescribing community school closure 654  
requirements under section 3314.35 or 3314.351 of the Revised 655  
Code; 656

~~(g)~~ (f) Provisions of state or federal law that identify 657  
school districts or buildings for comprehensive or targeted 658  
support and improvement or additional targeted support and 659  
improvement. Districts and buildings so identified shall 660

continue to receive supports and interventions consistent with 661  
their support and improvement plans in the 2020-2021, 2021-2022, 662  
and 2022-2023 school ~~year~~years. 663

~~(h)~~(g) Provisions that determine the conditions under 664  
which community schools may change sponsors under section 665  
3314.034 of the Revised Code. 666

(C) No school district, community school, or STEM school 667  
and no chartered nonpublic school that is subject to section 668  
3301.163 of the Revised Code shall retain a student in the third 669  
grade under that section or section 3313.608 of the Revised Code 670  
based solely on a student's academic performance in reading in 671  
the 2019-2020 or 2020-2021 school year unless the principal of 672  
the school building in which a student is enrolled and the 673  
student's reading teacher agree that the student is reading 674  
below grade level and is not prepared to be promoted to the 675  
fourth grade. 676

(D) (1) Division (D) of this section applies to any student 677  
who meets both of the following criteria: 678

(a) The student was enrolled in the twelfth grade in the 679  
2019-2020 or 2020-2021 school year or was on track to graduate 680  
in the 2019-2020 or 2020-2021 school year, as determined by the 681  
school district or other public or chartered nonpublic school in 682  
which the student was enrolled, regardless of the graduation 683  
cohort in which the student is included. 684

(b) The student had not completed the requirements for a 685  
high school diploma under section 3313.61, 3313.612, or 3325.08 686  
of the Revised Code or under Section 3 of H.B. 491 of the 132nd 687  
General Assembly, ~~as of March 17, 2020~~. 688

(2) A city, exempted village, local, or municipal school 689



district, a community school, a STEM school, a chartered 690  
nonpublic school, the State School for the Blind, and the State 691  
School for the Deaf shall grant a high school diploma to any 692  
student to whom this section applies, if the student's 693  
principal, in consultation with teachers and counselors, reviews 694  
the student's progress toward meeting the requirements for a 695  
diploma and determines that the student has successfully 696  
completed the curriculum in the student's high school or the 697  
individualized education program developed for the student by 698  
the student's high school pursuant to section 3323.08 of the 699  
Revised Code, or qualified under division (D) or (F) of section 700  
3313.603 of the Revised Code, at the time the student's school 701  
closed pursuant to the Director of Health's order under section 702  
3701.13 of the Revised Code "In Re: Order the Closure of All K- 703  
12 Schools in the State of Ohio" issued on March 14, 2020, or 704  
due to any local board of health order to close schools, or any 705  
extension of such an order due to the implications of COVID-19 706  
shall continue to so apply, even if the order or extension has 707  
been rescinded prior to July 1, 2021. No district or school 708  
shall grant a high school diploma under division (D)(2) of this 709  
section after September 30, ~~2020~~2021. 710

(3) If the board of education of a school district or the 711  
governing authority of a community school, STEM school, 712  
chartered nonpublic school, the State School for the Blind, or 713  
the State School for the Deaf has adopted a resolution under 714  
division (E) of section 3313.603 of the Revised Code requiring a 715  
more challenging curriculum than otherwise required under 716  
division (C) of that section, the district superintendent or the 717  
chief administrator of the school may elect to require only the 718  
minimum curriculum specified in division (C) of that section for 719  
the purpose of determining if a student to whom division (D) of 720

this section applies has successfully completed the curriculum 721  
under division (D) (2) of this section. If such an election is 722  
made, the superintendent or chief administrator shall evaluate 723  
each student to whom division (D) of this section applies using 724  
the minimum curriculum specified in division (C) of this 725  
section. 726

(4) It is the intent of the General Assembly that school 727  
districts and other public and private schools do both of the 728  
following: 729

(a) Continue to provide ways to keep students actively 730  
engaged in learning opportunities ~~between March 17, 2020, and~~ 731  
~~the remainder of the school year~~ while addressing the 732  
implications of COVID-19; 733

(b) Grant students who need in-person instructional 734  
experiences to complete requirements for a diploma or a career- 735  
technical education program access to school facilities as soon 736  
as it is reasonably possible after the Director of Health 737  
permits such access to resume, even if the last instructional 738  
day of the school year has already passed. 739

(E) For the purpose of teacher evaluations conducted under 740  
sections 3319.111 and 3319.112 of the Revised Code, no school 741  
district board of education shall use value-added progress 742  
dimension data, established under section 3302.021 of the 743  
Revised Code, from the 2019-2020 school year to measure student 744  
learning attributable to the teacher being evaluated. 745

(F) (1) For community school sponsor evaluations required 746  
under section 3314.016 of the Revised Code, the Department shall 747  
not issue a rating for the components under division (B) (1) of 748  
that section to any sponsor, nor shall the Department issue an 749

overall rating for the sponsor. The Department shall allow a 750  
sponsor to indicate that it could not comply with an applicable 751  
law or administrative rule or fully adhere to a quality practice 752  
because the required action was unable to be completed due to 753  
the Director of Health's order under section 3701.13 of the 754  
Revised Code "In Re: Order the Closure of All K-12 Schools in 755  
the State of Ohio" issued on March 14, 2020, any local board of 756  
health order, or any extension of such an order. 757

(2) The absence of community school sponsor ratings for 758  
the 2019-2020 and 2020-2021 school ~~year-years~~ shall have no 759  
effect in determining sanctions or penalties of a sponsor under 760  
Chapter 3314. of the Revised Code and shall not create a new 761  
starting point for determinations that are based on ratings over 762  
multiple years. The sponsor ratings of any previous or 763  
subsequent school years shall be considered when a sponsor is 764  
subject to sanctions or penalties under that chapter. A sponsor 765  
shall remain eligible in the 2020-2021 and 2021-2022 school ~~year-~~ 766  
years for any incentives that the sponsor was eligible for in 767  
the 2019-2020 or 2020-2021 school year, and the 2019-2020 and 768  
2020-2021 school ~~year-years~~ shall not count toward the number of 769  
years in which a sponsor subject to division (B) (7) (b) of 770  
section 3314.016 of the Revised Code is not required to be 771  
evaluated. 772

(G) The Superintendent of Public Instruction may waive the 773  
requirement to complete any report prescribed by law that is 774  
based on data from assessments that would have been but were not 775  
administered during the 2019-2020 or 2020-2021 school year 776  
pursuant to division (A) of this section. 777

(H) The Department, on behalf of the State Board of 778  
Education, may issue a one-year, nonrenewable provisional 779

license to any individual to practice in any category, type, and 780  
level for which the State Board issues a license pursuant to 781  
Title XXXVIII of the Revised Code, if the individual has met all 782  
requirements for the requested license except for the 783  
requirement to pass an examination prescribed by the State Board 784  
in the subject area for which application is being made. Any 785  
individual to whom a provisional license is issued under this 786  
division shall take and pass the appropriate subject area 787  
examination prior to expiration of the license as a condition of 788  
advancing the license in the appropriate category, type, and 789  
level. The Department shall not issue a provisional license 790  
under this division that is valid on or after July 1, 2021. 791

(I) The Superintendent of Public Instruction may extend or 792  
waive any deadline for an action required of the State Board of 793  
Education, the Department of Education, or any person or entity 794  
licensed or regulated by the State Board or Department ~~during~~ 795  
~~the duration of the Director of Health's order under section~~ 796  
~~3701.13 of the Revised Code "In re: Order the Closure of All K-~~ 797  
~~12 Schools in the State of Ohio" issued on March 14, 2020, or~~ 798  
~~any local board of health order, and any extension of any order,~~ 799  
~~based on the implications of COVID-19, as necessary to ensure~~ 800  
~~that the safety of students, families, and communities are~~ 801  
~~prioritized while continuing to ensure the efficient operation~~ 802  
~~of the Department and public and private schools in this state.~~ 803  
Deadlines that may be extended or waived by the State 804  
Superintendent include, but are not limited to, deadlines 805  
related to the following: 806

(1) The conduct of evaluations for school personnel under 807  
Chapter 3319. of the Revised Code; 808

(2) Notice of intent not to reemploy school personnel 809

under Chapter 3319. Of the Revised Code;	810
(3) The conduct of school safety drills under section 3737.73 of the Revised Code;	811 812
(4) The emergency management test required by division (E) of section 3313.536 of the Revised Code;	813 814
(5) The filling of a vacancy in a board of education;	815
(6) Updating of teacher evaluation policies to conform with the framework for evaluation of teachers adopted under section 3319.112 of the Revised Code;	816 817 818
(7) Identification and screening of gifted students under Chapter 3324. of the Revised Code.	819 820
(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.	821 822 823 824 825 826 827 828
(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	829 830 831 832 833 834 835 836 837 838

deadlines, or otherwise grant providers and students 839  
flexibility, for completion of program requirements. 840

(L) No school district shall require the parent of any 841  
student who was instructed at home in accordance with section 842  
3321.04 of the Revised Code for the 2019-2020 or 2020-2021 843  
school year to submit to the district superintendent the 844  
academic assessment report required under rule 3301-34-04 of the 845  
Administrative Code as a condition of the district allowing the 846  
student to continue to receive home instruction for the 2020- 847  
2021 or 2021-2022 school year. 848

(M) Notwithstanding anything in the Revised Code to the 849  
contrary, the board of education of any school district that, 850  
prior to the Director of Health's order under section 3701.13 of 851  
the Revised Code "In re: Order the Closure of All K-12 Schools 852  
in the State of Ohio" issued on March 14, 2020, had not 853  
completed an evaluation that was required under Chapter 3319. of 854  
the Revised Code for the 2019-2020 school year for an employee 855  
of the district, including a teacher, administrator, or 856  
superintendent, may elect not to conduct an evaluation of the 857  
employee for that school year, if the district board determines 858  
that it would be impossible or impracticable to do so. If a 859  
district board elects not to evaluate an employee for the 2019- 860  
2020 school year, the employee shall be considered not to have 861  
had evaluation procedures complied with pursuant to section 862  
3319.111 of the Revised Code for purposes of section 3319.11 of 863  
the Revised Code. The district board may collaborate with any 864  
bargaining organization representing employees of the district 865  
in determining whether to complete evaluations for the 2019-2020 866  
school year. Nothing in this section shall preclude a district 867  
board from using an evaluation completed prior to the Director 868  
of Health's order in employment decisions. 869

**Section 7.** 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 8.** (A) As used in this section:

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

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

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

**Section 9.** The version of Section 17 of H.B. 197 of the 133rd General Assembly (as amended by H.B. 164 of the 133rd General Assembly) as further amended by this act shall be construed as acting in concert with and shall not be construed as conflicting with either the version of that section as amended by H.B. 404 of the 133rd General Assembly or Section 13 of H.B. 404 of the 133rd General Assembly.

**Section 10.** Section 3302.036 of the Revised Code is 899  
presented in this act as a composite of the section as amended 900  
by both H.B. 64 and H.B. 70 of the 131st General Assembly. The 901  
General Assembly, applying the principle stated in division (B) 902  
of section 1.52 of the Revised Code that amendments are to be 903  
harmonized if reasonably capable of simultaneous operation, 904  
finds that the composite is the resulting version of the section 905  
in effect prior to the effective date of the section as 906  
presented in this act. 907

**Section 11.** This act is hereby declared to be an emergency 908  
measure necessary for the immediate preservation of the public 909  
peace, health, and safety. The reason for such necessity is to 910  
ensure that the changes made by this act take effect before or 911  
as soon as possible after the start of the 2020-2021 school 912  
year. Therefore, this act shall go into immediate effect. 913