

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**S. B. No. 37**

**Senators Fedor, Manning**

**Cosponsors: Senators Yuko, Maharath, Thomas, Antonio, Sykes, Craig, Schaffer,  
Cirino**

---

**A BILL**

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

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

**Section 1.** That Section 12 of H.B. 164 of the 133rd 8  
General Assembly be amended to read as follows: 9

**Sec. 12.** (A) As used in this section: 10

(1) "End-of-course examination" means an end-of-course 11  
examination prescribed under section 3301.0712 of the Revised 12  
Code. 13

(2) "District or school" means any of the following: 14

(a) A city, local, exempted village, or joint vocational 15  
school district; 16

(b) A community school established under Chapter 3314. of the Revised Code;	17 18
(c) A STEM school established under Chapter 3326. of the Revised Code;	19 20
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	21 22
(e) The State School for the Deaf;	23
(f) The State School for the Blind;	24
(g) A chartered nonpublic school.	25
(3) "Qualifying course" means a course associated with an end-of-course examination.	26 27
<u>(4) "Qualifying student" means a student to whom any of the following apply:</u>	28 29
<u>(a) The student is being quarantined.</u>	30
<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>	31 32 33
<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 their residences.</u>	34 35 36 37 38
<u>(d) The student is receiving instruction primarily through a remote learning model up through the deadline for the end-of-course examination, and the examination cannot be administered remotely.</u>	39 40 41 42
(B) Notwithstanding anything to the contrary in sections	43

3313.618 and 3313.6114 of the Revised Code, a student who was 44  
scheduled to take or retake an end-of-course examination in the 45  
2019-2020 or 2020-2021 school year, but did not do so because 46  
the administration of that examination was canceled or because 47  
the student was a qualifying student, may use the student's 48  
final course grade in the course associated with that 49  
examination in lieu of a score on the examination to satisfy 50  
conditions for a high school diploma prescribed under sections 51  
3313.618 and 3313.6114 of the Revised Code. A student who was 52  
scheduled to take the end-of-course examination for the first 53  
time in the 2019-2020 or 2020-2021 school year may use the final 54  
course grade for the qualifying course that the student 55  
completed in that school year, while a student who was scheduled 56  
to retake the examination in the 2019-2020 or 2020-2021 school 57  
year may use a final course grade for a qualifying course that 58  
the student completed in the 2019-2020 or 2020-2021 school year 59  
or a prior school year. For the purposes of determining whether 60  
a student satisfies a condition, a final course grade shall be 61  
equivalent to a level of skill prescribed under division (B) (5) 62  
(a) of section 3301.0712 of the Revised Code or a competency 63  
score prescribed under division (B) (10) of that section, as 64  
follows: 65

(1) Any "A" letter grade shall be equivalent to an 66  
advanced level of skill. 67

(2) Any "B" letter grade shall be equivalent to an 68  
accelerated level of skill. 69

(3) Any "C" letter grade shall be equivalent to a 70  
proficient level of skill. 71

(4) Any "D" letter grade shall be equivalent to a basic 72  
level of skill. 73

(5) Any "F" letter grade shall be equivalent to a limited level of skill. 74  
75

(6) Any "C" letter grade or higher shall be equivalent to a competency score. 76  
77

(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. 78  
79  
80  
81  
82  
83  
84  
85

(C) A student who completed a qualifying course in the 2019-2020 or 2020-2021 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. 86  
87  
88  
89  
90  
91  
92

(D) A student who completed a qualifying course in the 2019-2020 or 2020-2021 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. 93  
94  
95  
96

**Section 2.** That existing Section 12 of H.B. 164 of the 133rd General Assembly is hereby repealed. 97  
98

**Section 3.** That Section 17 of H.B. 197 of the 133rd General Assembly (as amended by H.B. 404 of the 133rd General Assembly) be amended to read as follows: 99  
100  
101

**Sec. 17.** Notwithstanding anything in the Revised Code or 102

Administrative Code to the contrary, for the 2019-2020 school 103  
year only, ~~except as otherwise or for the 2019-2020 and 2020-~~ 104  
~~2021 school years if so provided~~ in this section, due to the 105  
Director of Health's order under section 3701.13 of the Revised 106  
Code "In re: Order the Closure of All K-12 Schools in the State 107  
of Ohio" issued on March 14, 2020, or any local board of health 108  
order, and any extension of any order, based on the implications 109  
of COVID-19, all of the following apply: 110

~~(A)(1) Any~~ (A)(1)(a) For the 2019-2020 school year only, 111  
any city, exempted village, local, joint vocational, or 112  
municipal school district, any community school established 113  
under Chapter 3314. of the Revised Code, any STEM school 114  
established under Chapter 3326. of the Revised Code, any 115  
chartered nonpublic school, and the State School for the Deaf 116  
and the State School for the Blind shall not be required to 117  
administer the assessments prescribed in sections 3301.0710, 118  
3301.0711, 3301.0712, 3313.903, and 3314.017 of the Revised 119  
Code, including the Ohio English Language Proficiency Assessment 120  
administered to English learners pursuant to division (C)(3)(b) 121  
of section 3301.0711 of the Revised Code and the Alternate 122  
Assessment for Students with Significant Cognitive Disabilities 123  
prescribed in division (C)(1) of section 3301.0711 of the 124  
Revised Code. 125

(b) For the 2020-2021 school year only, any city, local, 126  
exempted village, joint vocational, or municipal school 127  
district, any community school, any STEM school, any chartered 128  
nonpublic school, and the State School for the Deaf and the 129  
State School for the Blind shall not be required to administer 130  
either of the following: 131

(i) State assessments in the area of social studies, as 132

<u>prescribed under division (A) (4) of section 3301.0710 of the</u>	133
<u>Revised Code;</u>	134
<u>(ii) End-of-course examinations prescribed under division</u>	135
<u>(B) (2) of section 3301.0712 of the Revised Code in the areas of</u>	136
<u>English language arts I, American history, American government,</u>	137
<u>and, if a waiver has been received pursuant to division (B) (2)</u>	138
<u>(b) of that section, geometry.</u>	139
(2) Any chartered nonpublic school that has chosen to	140
administer assessments under section 3313.619 of the Revised	141
Code that has not administered such assessments by March 17,	142
2020, shall not be required to administer those assessments.	143
(3) The Department of Education shall not exclude any	144
student to whom an assessment was not administered in the 2019-	145
2020 school year under division (A) of this section from	146
counting in a district's or school's enrollment for the 2020-	147
2021 school year pursuant to division (L) (3) of section 3314.08,	148
division (E) (3) of section 3317.03, or division (C) of section	149
3326.37 of the Revised Code.	150
(4) If a student was not administered an assessment in the	151
2019-2020 school year under division (A) of this section, that	152
school year shall not count in determining if the student is	153
subject to withdrawal from a school pursuant to section	154
3313.6410 or 3314.26 of the Revised Code.	155
(5) No student who received a scholarship under the	156
Educational Choice Scholarship Program under section 3310.03 or	157
3310.032 of the Revised Code, the Jon Peterson Special Needs	158
Scholarship Program under section 3310.52 of the Revised Code,	159
or the Pilot Project Scholarship Program under section 3313.975	160
of the Revised Code for the 2019-2020 school year shall be	161

considered ineligible to renew that scholarship for the 2020- 162  
2021 school year solely because the student was not administered 163  
an assessment in the 2019-2020 school year under division (A) of 164  
this section. 165

(B) (1) The Department of Education shall not publish state 166  
report card ratings under section 3302.03, 3302.033, 3314.012, 167  
or 3314.017 of the Revised Code nor shall the Department be 168  
required to submit preliminary data for the report cards by July 169  
31, 2020, as required by those sections. Furthermore, the 170  
Department shall not assign an overall letter grade under 171  
division (C) (3) of section 3302.03 of the Revised Code for any 172  
school district or building, shall not assign an individual 173  
grade to any component prescribed under division (C) (3) of 174  
section 3302.03 of the Revised Code, shall not assign a grade to 175  
any measures under division (C) (1) of section 3302.03 of the 176  
Revised Code, and shall not rank school districts, community 177  
schools, or STEM schools under section 3302.21 of the Revised 178  
Code for the 2019-2020 school year. 179

However, the Department shall report any data that it has 180  
regarding the performance of districts and buildings for the 181  
2019-2020 school year by September 15, 2020. 182

(2) The absence of report card ratings for the 2019-2020 183  
school year shall have no effect in determining sanctions or 184  
penalties, and shall not create a new starting point for 185  
determinations that are based on ratings over multiple years. 186  
The report card ratings of any previous or subsequent years 187  
shall be considered in determining whether a school district or 188  
building is subject to sanctions or penalties. If a school 189  
district or building was subject to any of the following 190  
penalties or sanctions in the 2019-2020 school year based on its 191

report card rating for previous school years, those penalties or	192
sanctions shall remain for the 2020-2021 school year. Those	193
penalties and sanctions include the following:	194
(a) Any restructuring provisions established under Chapter	195
3302. of the Revised Code, except as required under federal law;	196
(b) Provisions for the Columbus City School Pilot Project	197
under section 3302.042 of the Revised Code;	198
(c) Provisions for academic distress commissions under	199
section 3302.10 of the Revised Code. While a district subject to	200
an academic distress commission prior to March 27, 2020, shall	201
be considered to be subject to an academic distress commission	202
for the 2020-2021 school year, that year shall not be included	203
for purposes of determining progressive consequences under	204
divisions (H), (I), (J), (K), and (L) of section 3302.10 of the	205
Revised Code that are in addition to those that were being	206
exercised by the chief executive officer during the 2019-2020	207
school year or for purposes of the appointment of a new board of	208
education under division (K) of that section. Nothing in	209
division (B)(2)(c) of this section shall be construed to limit	210
the powers that the chief executive officer exercised under	211
section 3302.10 of the Revised Code prior to the 2020-2021	212
school year.	213
(d) Provisions prescribing new buildings where students	214
are eligible for the Educational Choice Scholarships under	215
section 3310.03 of the Revised Code;	216
(e) Provisions defining "challenged school districts" in	217
which new start-up community schools may be located, as	218
prescribed in section 3314.02 of the Revised Code;	219
(f) Provisions prescribing community school closure	220



requirements under section 3314.35 or 3314.351 of the Revised Code;	221 222
(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.	223 224 225 226 227 228 229
(h) Provisions that determine the conditions under which community schools may change sponsors under section 3314.034 of the Revised Code.	230 231 232
(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.	233 234 235 236 237 238 239 240 241
(D) (1) Division (D) of this section applies to any student who meets both of the following criteria:	242 243
(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.	244 245 246 247 248 249

(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 281  
this section applies has successfully completed the curriculum 282  
under division (D) (2) of this section. If such an election is 283  
made, the superintendent or chief administrator shall evaluate 284  
each student to whom division (D) of this section applies using 285  
the minimum curriculum specified in division (C) of this 286  
section. 287

(4) It is the intent of the General Assembly that school 288  
districts and other public and private schools do both of the 289  
following: 290

(a) Continue to provide ways to keep students actively 291  
engaged in learning opportunities between March 17, 2020, and 292  
the remainder of the school year; 293

(b) Grant students who need in-person instructional 294  
experiences to complete requirements for a diploma or a career- 295  
technical education program access to school facilities as soon 296  
as it is reasonably possible after the Director of Health 297  
permits such access to resume, even if the last instructional 298  
day of the school year has already passed. 299

(E) For the purpose of teacher evaluations conducted under 300  
sections 3319.111 and 3319.112 of the Revised Code, no school 301  
district board of education shall use value-added progress 302  
dimension data, established under section 3302.021 of the 303  
Revised Code, from the 2019-2020 school year to measure student 304  
learning attributable to the teacher being evaluated. 305

(F) (1) For community school sponsor evaluations required 306  
under section 3314.016 of the Revised Code, the Department shall 307  
not issue a rating for the components under division (B) (1) of 308  
that section to any sponsor, nor shall the Department issue an 309

overall rating for the sponsor. The Department shall allow a 310  
sponsor to indicate that it could not comply with an applicable 311  
law or administrative rule or fully adhere to a quality practice 312  
because the required action was unable to be completed due to 313  
the Director of Health's order under section 3701.13 of the 314  
Revised Code "In Re: Order the Closure of All K-12 Schools in 315  
the State of Ohio" issued on March 14, 2020, any local board of 316  
health order, or any extension of an order. 317

(2) The absence of community school sponsor ratings for 318  
the 2019-2020 school year shall have no effect in determining 319  
sanctions or penalties of a sponsor under Chapter 3314. of the 320  
Revised Code and shall not create a new starting point for 321  
determinations that are based on ratings over multiple years. 322  
The sponsor ratings of any previous or subsequent school years 323  
shall be considered when a sponsor is subject to sanctions or 324  
penalties under that chapter. A sponsor shall remain eligible in 325  
the 2020-2021 school year for any incentives that the sponsor 326  
was eligible for in the 2019-2020 school year, and the 2019-2020 327  
school year shall not count toward the number of years in which 328  
a sponsor subject to division (B) (7) (b) of section 3314.016 of 329  
the Revised Code is not required to be evaluated. 330

(G) The Superintendent of Public Instruction may waive the 331  
requirement to complete any report prescribed by law that is 332  
based on data from assessments that would have been but were not 333  
administered during the 2019-2020 school year pursuant to 334  
division (A) of this section. 335

(H) The Department, on behalf of the State Board of 336  
Education, may issue a one-year, nonrenewable provisional 337  
license to any individual to practice in any category, type, and 338  
level for which the State Board issues a license pursuant to 339

Title XXXVIII of the Revised Code, if the individual has met all 340  
requirements for the requested license except for the 341  
requirement to pass an examination prescribed by the State Board 342  
in the subject area for which application is being made. Any 343  
individual to whom a provisional license is issued under this 344  
division shall take and pass the appropriate subject area 345  
examination prior to expiration of the license as a condition of 346  
advancing the license in the appropriate category, type, and 347  
level. The Department shall not issue a provisional license 348  
under this division that is valid on or after July 1, 2021. 349

(I) The Superintendent of Public Instruction may extend or 350  
waive any deadline for an action required of the State Board of 351  
Education, the Department of Education, or any person or entity 352  
licensed or regulated by the State Board or Department during 353  
the duration of the Director of Health's order under section 354  
3701.13 of the Revised Code "In re: Order the Closure of All K- 355  
12 Schools in the State of Ohio" issued on March 14, 2020, or 356  
any local board of health order, and any extension of any order, 357  
based on the implications of COVID-19, as necessary to ensure 358  
that the safety of students, families, and communities are 359  
prioritized while continuing to ensure the efficient operation 360  
of the Department and public and private schools in this state. 361  
Deadlines that may be extended or waived by the State 362  
Superintendent include, but are not limited to, deadlines 363  
related to the following: 364

(1) The conduct of evaluations for school personnel under 365  
Chapter 3319. of the Revised Code; 366

(2) Notice of intent not to reemploy school personnel 367  
under Chapter 3319. ~~of~~of the Revised Code; 368

(3) The conduct of school safety drills under section 369

3737.73 of the Revised Code;	370
(4) The emergency management test required by division (E)	371
of section 3313.536 of the Revised Code;	372
(5) The filling of a vacancy in a board of education;	373
(6) Updating of teacher evaluation policies to conform	374
with the framework for evaluation of teachers adopted under	375
section 3319.112 of the Revised Code;	376
(7) Identification and screening of gifted students under	377
Chapter 3324. of the Revised Code.	378
(J) Notwithstanding anything in the Revised Code or	379
Administrative Code to the contrary, for the 2019-2020, 2020-	380
2021, and 2021-2022 school years only, the Chancellor of Higher	381
Education, in consultation with the Superintendent of Public	382
Instruction, may waive, extend, suspend, or modify requirements	383
of the College Credit Plus program if the Chancellor, in	384
consultation with the Superintendent, determines the waiver,	385
extension, suspension, or modification is necessary in response	386
to COVID-19.	387
(K) The Superintendent of Public Instruction shall	388
collaborate with providers in the 22+ Adult High School Diploma	389
Program authorized under sections 3314.38, 3317.23, 3317.231,	390
3317.24, and 3345.86 of the Revised Code and the Adult Diploma	391
Program authorized under section 3313.902 of the Revised Code,	392
and rules adopted thereunder, to ensure that the providers have	393
maximum flexibility to assist students whose progress in the	394
program has been affected by the Director of Health's order to	395
complete the requirements to earn a high school diploma. For	396
this purpose, the State Superintendent may waive or extend	397
deadlines, or otherwise grant providers and students	398

flexibility, for completion of program requirements. 399

(L) No school district shall require the parent of any 400  
student who was instructed at home in accordance with section 401  
3321.04 of the Revised Code for the 2019-2020 or 2020-2021 402  
school year to submit to the district superintendent the 403  
academic assessment report required under rule 3301-34-04 of the 404  
Administrative Code as a condition of the district allowing the 405  
student to continue to receive home instruction for the 2020- 406  
2021 or 2020-2021 school year. 407

(M) Notwithstanding anything in the Revised Code to the 408  
contrary, the board of education of any school district that, 409  
prior to the Director of Health's order under section 3701.13 of 410  
the Revised Code "In re: Order the Closure of All K-12 Schools 411  
in the State of Ohio" issued on March 14, 2020, had not 412  
completed an evaluation that was required under Chapter 3319. of 413  
the Revised Code for the 2019-2020 school year for an employee 414  
of the district, including a teacher, administrator, or 415  
superintendent, may elect not to conduct an evaluation of the 416  
employee for that school year, if the district board determines 417  
that it would be impossible or impracticable to do so. If a 418  
district board elects not to evaluate an employee for the 2019- 419  
2020 school year, the employee shall be considered not to have 420  
had evaluation procedures complied with pursuant to section 421  
3319.111 of the Revised Code for purposes of section 3319.11 of 422  
the Revised Code. The district board may collaborate with any 423  
bargaining organization representing employees of the district 424  
in determining whether to complete evaluations for the 2019-2020 425  
school year. Nothing in this section shall preclude a district 426  
board from using an evaluation completed prior to the Director 427  
of Health's order in employment decisions. 428

**Section 4.** That existing Section 17 of H.B. 197 of the 133rd General Assembly (as amended by H.B. 404 of the 133rd General Assembly) is hereby repealed.

**Section 5.** (A) This section applies to any student who meets both of the following criteria:

(1) The student was enrolled in the twelfth grade in the 2020-2021 school year or was on track to graduate in the 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.

(2) 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.

(B) 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 459  
due to any local board of health order to close schools, or any 460  
extension of such an order due to the implications of COVID-19. 461  
The provisions of this section shall continue to so apply, even 462  
if the order or extension has been rescinded prior to July 1, 463  
2021. No district or school shall grant a high school diploma 464  
under this division after September 30, 2021. 465

(C) If the board of education of a school district or the 466  
governing authority of a community school, STEM school, 467  
chartered nonpublic school, the State School for the Blind, or 468  
the State School for the Deaf has adopted a resolution under 469  
division (E) of section 3313.603 of the Revised Code requiring a 470  
more challenging curriculum than otherwise required under 471  
division (C) of that section, the district superintendent or the 472  
chief administrator of the school may elect to require only the 473  
minimum curriculum specified in division (C) of that section for 474  
the purpose of determining if a student to whom this section 475  
applies has successfully completed the curriculum under division 476  
(B) of this section. If such an election is made, the 477  
superintendent or chief administrator shall evaluate each 478  
student to whom this section applies using the minimum 479  
curriculum specified in this division. 480

**Section 6.** (A) If a waiver from testing requirements 481  
prescribed under federal law becomes available from the United 482  
States Secretary of Education for the 2020-2021 school year, the 483  
Superintendent of Public Instruction shall consult with 484  
stakeholders, including, but not limited to, the Buckeye 485  
Association of School Administrators, the Ohio School Boards 486  
Association, the Ohio Association of School Business Officials, 487  
the Ohio Education Association, the Ohio Federation of Teachers, 488  
the Ohio Parent Teacher Association, the Ohio Chamber of 489

Commerce, and Ohio Excels, regarding whether to seek that 490  
waiver. After consulting with stakeholders, the state 491  
Superintendent may submit to the United States Secretary of 492  
Education a request for a waiver. 493

(B) If the waiver described in division (A) of this 494  
section is granted, for the 2020-2021 school year only, no city, 495  
exempted village, local, joint vocational, or municipal school 496  
district, any community school established under Chapter 3314. 497  
of the Revised Code, any STEM school established under Chapter 498  
3326. of the Revised Code, any chartered nonpublic school, and 499  
the State School for the Deaf and the State School for the Blind 500  
shall be required to administer any of the assessments 501  
prescribed in sections 3301.0710, 3301.0711, 3301.0712, 502  
3313.903, and 3314.017 of the Revised Code, including the Ohio 503  
English Language Proficiency Assessment administered to English 504  
learners pursuant to division (C) (3) (b) of section 3301.0711 of 505  
the Revised Code and the Alternate Assessment for Students with 506  
Significant Cognitive Disabilities prescribed in division (C) (1) 507  
of section 3301.0711 of the Revised Code, except that districts 508  
and schools shall administer the assessment prescribed under 509  
division (B) (1) of section 3301.0712 of the Revised Code. 510

(C) Any chartered nonpublic school that has chosen to 511  
administer assessments under section 3313.619 of the Revised 512  
Code shall not be required to administer those assessments for 513  
the 2020-2021 school year if the school elects not to administer 514  
assessments in accordance with division (B) of this section. 515

(D) The Department of Education shall not exclude any 516  
student to whom an assessment was not administered in the 2020- 517  
2021 school year under this section from counting in a 518  
district's or school's enrollment for the 2021-2022 school year 519

pursuant to division (L) (3) of section 3314.08, division (E) (3) 520  
of section 3317.03, or division (C) of section 3326.37 of the 521  
Revised Code. 522

(E) If a student was not administered an assessment in the 523  
2020-2021 school year under this section, that school year shall 524  
not count in determining if the student is subject to withdrawal 525  
from a school pursuant to section 3313.6410 or 3314.26 of the 526  
Revised Code. 527

(F) No student who received a scholarship under the 528  
Educational Choice Scholarship Program under section 3310.03 or 529  
3310.032 of the Revised Code, the Jon Peterson Special Needs 530  
Scholarship Program under section 3310.52 of the Revised Code, 531  
or the Pilot Project Scholarship Program under section 3313.975 532  
of the Revised Code for the 2020-2021 school year shall be 533  
considered ineligible to renew that scholarship for the 2021- 534  
2022 school year solely because the student was not administered 535  
an assessment in the 2020-2021 school year under this section. 536

**Section 7.** This act is hereby declared to be an emergency 537  
measure necessary for the immediate preservation of the public 538  
peace, health, and safety. The reason for such necessity is to 539  
ensure that the changes made by this act take effect as soon as 540  
possible after the start of the 2020-2021 school year. 541  
Therefore, this act shall go into immediate effect. 542