A BILL

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

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

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

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

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

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

(a) A city, local, exempted village, or joint vocational school district;
(b) A community school established under Chapter 3314. of the Revised Code;

c) A STEM school established under Chapter 3326. of the Revised Code;

d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;

e) The State School for the Deaf;

(f) The State School for the Blind;

(g) A chartered nonpublic school.

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

(4) "Qualifying student" means a student to whom any of the following apply:

(a) The student is being quarantined.

(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.

(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.

(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.

(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 or 2020-2021 school year, but did not do so because the administration of that examination was canceled or because the student was a qualifying student, may use the student's final course grade in the course associated with that examination in lieu of a score on the examination to satisfy conditions for a high school diploma prescribed under sections 3313.618 and 3313.6114 of the Revised Code. A student who was scheduled to take the end-of-course examination for the first time in the 2019-2020 or 2020-2021 school year may use the final course grade for the qualifying course that the student completed in that school year, while a student who was scheduled to retake the examination in the 2019-2020 or 2020-2021 school year may use a final course grade for a qualifying course that the student completed in the 2019-2020 or 2020-2021 school year or a prior school year. For the purposes of determining whether a student satisfies a condition, a final course grade shall be equivalent to a level of skill prescribed under division (B)(5) (a) of section 3301.0712 of the Revised Code or a competency score prescribed under division (B)(10) of that section, as follows:

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

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

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

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

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

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

(C) A student who completed a qualifying course in the 2019-2020 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.

(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.

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

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:

Sec. 17. Notwithstanding anything in the Revised Code or
As Introduced

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

(A)(1) Any city, exempted village, local, joint vocational, or municipal school district, any community school established under Chapter 3314. of the Revised Code, any STEM school established under Chapter 3326. of the Revised Code, any chartered nonpublic school, and the State School for the Deaf and the State School for the Blind shall not be required to administer the assessments prescribed in sections 3301.0710, 3301.0711, 3301.0712, 3313.903, and 3314.017 of the Revised Code, including the Ohio English Language Proficiency Assessment administered to English learners pursuant to division (C)(3)(b) of section 3301.0711 of the Revised Code and the Alternate Assessment for Students with Significant Cognitive Disabilities prescribed in division (C)(1) of section 3301.0711 of the Revised Code.

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

(i) State assessments in the area of social studies, as
prescribed under division (A)(4) of section 3301.0710 of the Revised Code;

(ii) End-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code in the areas of English language arts I, American history, American government, and, if a waiver has been received pursuant to division (B)(2)(b) of that section, geometry.

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

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

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

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

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

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

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

(a) Any restructuring provisions established under Chapter 194
3302. of the Revised Code, except as required under federal law;

(b) Provisions for the Columbus City School Pilot Project 195
under section 3302.042 of the Revised Code;

(c) Provisions for academic distress commissions under 196
section 3302.10 of the Revised Code. While a district subject to 197
an academic distress commission prior to March 27, 2020, shall
be considered to be subject to an academic distress commission
for the 2020-2021 school year, that year shall not be included
for purposes of determining progressive consequences under
divisions (H), (I), (J), (K), and (L) of section 3302.10 of the
Revised Code that are in addition to those that were being
exercised by the chief executive officer during the 2019-2020
school year or for purposes of the appointment of a new board of
education under division (K) of that section. Nothing in
division (B)(2)(c) of this section shall be construed to limit
the powers that the chief executive officer exercised under
section 3302.10 of the Revised Code prior to the 2020-2021
school year.

(d) Provisions prescribing new buildings where students 198
are eligible for the Educational Choice Scholarships under
section 3310.03 of the Revised Code;

(e) Provisions defining "challenged school districts" in 199
which new start-up community schools may be located, as
prescribed in section 3314.02 of the Revised Code;

(f) Provisions prescribing community school closure 200
requirements under section 3314.35 or 3314.351 of the Revised Code;

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

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

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

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

(a) The student was enrolled in the twelfth grade in the 2019-2020 school year or was on track to graduate in the 2019-2020 school year, as determined by the school district or other public or chartered nonpublic school in which the student was enrolled, regardless of the graduation cohort in which the student is included.
(b) The student had not completed the requirements for a high school diploma under section 3313.61, 3313.612, or 3325.08 of the Revised Code or under Section 3 of H.B. 491 of the 132nd General Assembly, as of March 17, 2020.

(2) A city, exempted village, local, or municipal school district, a community school, a STEM school, a chartered nonpublic school, the State School for the Blind, and the State School for the Deaf shall grant a high school diploma to any student to whom this section applies, if the student's principal, in consultation with teachers and counselors, reviews the student's progress toward meeting the requirements for a diploma and determines that the student has successfully completed the curriculum in the student's high school or the individualized education program developed for the student by the student's high school pursuant to section 3323.08 of the Revised Code, or qualified under division (D) or (F) of section 3313.603 of the Revised Code, at the time the student's school closed pursuant to the Director of Health's order under section 3701.13 of the Revised Code "In Re: Order the Closure of All K-12 Schools in the State of Ohio" issued on March 14, 2020. No district or school shall grant a high school diploma under division (D)(2) of this section after September 30, 2020.

(3) If the board of education of a school district or the governing authority of a community school, STEM school, chartered nonpublic school, the State School for the Blind, or the State School for the Deaf has adopted a resolution under division (E) of section 3313.603 of the Revised Code requiring a more challenging curriculum than otherwise required under division (C) of that section, the district superintendent or the chief administrator of the school may elect to require only the minimum curriculum specified in division (C) of that section for
the purpose of determining if a student to whom division (D) of this section applies has successfully completed the curriculum under division (D)(2) of this section. If such an election is made, the superintendent or chief administrator shall evaluate each student to whom division (D) of this section applies using the minimum curriculum specified in division (C) of this section.

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

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

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

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

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

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

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

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

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

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

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

(3) The conduct of school safety drills under section
As Introduced

3737.73 of the Revised Code;

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

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

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

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

(J) Notwithstanding anything in the Revised Code or Administrative Code to the contrary, for the 2019-2020, 2020-2021, and 2021-2022 school years only, the Chancellor of Higher Education, in consultation with the Superintendent of Public Instruction, may waive, extend, suspend, or modify requirements of the College Credit Plus program if the Chancellor, in consultation with the Superintendent, determines the waiver, extension, suspension, or modification is necessary in response to COVID-19.

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

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

(M) Notwithstanding anything in the Revised Code to the contrary, the board of education of any school district that, prior to the Director of Health's order under section 3701.13 of the Revised Code "In re: Order the Closure of All K-12 Schools in the State of Ohio" issued on March 14, 2020, had not completed an evaluation that was required under Chapter 3319. of the Revised Code for the 2019-2020 school year for an employee of the district, including a teacher, administrator, or superintendent, may elect not to conduct an evaluation of the employee for that school year, if the district board determines that it would be impossible or impracticable to do so. If a district board elects not to evaluate an employee for the 2019-2020 school year, the employee shall be considered not to have had evaluation procedures complied with pursuant to section 3319.111 of the Revised Code for purposes of section 3319.11 of the Revised Code. The district board may collaborate with any bargaining organization representing employees of the district in determining whether to complete evaluations for the 2019-2020 school year. Nothing in this section shall preclude a district board from using an evaluation completed prior to the Director of Health's order in employment decisions.
Section 4. That existing 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 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. The provisions of this section 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 this division after September 30, 2021.

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

Section 6. (A) If a waiver from testing requirements prescribed under federal law becomes available from the United States Secretary of Education for the 2020-2021 school year, the Superintendent of Public Instruction shall consult with stakeholders, including, but not limited to, the Buckeye Association of School Administrators, the Ohio School Boards Association, the Ohio Association of School Business Officials, the Ohio Education Association, the Ohio Federation of Teachers, the Ohio Parent Teacher Association, the Ohio Chamber of
Commerce, and Ohio Excels, regarding whether to seek that waiver. After consulting with stakeholders, the state Superintendent may submit to the United States Secretary of Education a request for a waiver.

(B) If the waiver described in division (A) of this section is granted, for the 2020-2021 school year only, no 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 be required to administer any of 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, except that districts and schools shall administer the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

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

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

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

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

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