

As Passed by the Senate

133rd General Assembly

Regular Session

2019-2020

Am. Sub. H. B. No. 409

Representative Koehler

**Cosponsors: Representatives Jones, Cupp, Patterson, Carruthers, Galonski,
Ghanbari, Ginter, Scherer**

**Senators Brenner, Fedor, Antonio, Blessing, Coley, Craig, Gavarone, Hackett,
Hottinger, Kunze, Lehner, Manning, O'Brien, Schuring, Sykes, Wilson, Yuko**

A BILL

| | |
|--|----|
| To amend section 3314.03 and to enact section | 1 |
| 3314.261 of the Revised Code regarding student | 2 |
| attendance at internet- or computer-based | 3 |
| community schools that are not dropout | 4 |
| prevention and recovery schools, to provide | 5 |
| public and chartered nonpublic schools | 6 |
| discretion regarding educational requirements of | 7 |
| substitute teachers for the 2020-2021 school | 8 |
| year, to exempt schools from retaining students | 9 |
| under the Third Grade Reading Guarantee for the | 10 |
| 2020-2021 school year, to permit the | 11 |
| Superintendent of Public Instruction to adjust | 12 |
| various deadlines, to prohibit the Department of | 13 |
| Education from issuing state report card ratings | 14 |
| for the 2020-2021 school year, to establish a | 15 |
| safe harbor from penalties and sanctions based | 16 |
| on the absence of state report card ratings and | 17 |
| community school sponsor ratings for the 2020- | 18 |
| 2021 school year, and to declare an emergency. | 19 |

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

Section 1. That section 3314.03 be amended and section 20
3314.261 of the Revised Code be enacted to read as follows: 21

Sec. 3314.03. A copy of every contract entered into under 22
this section shall be filed with the superintendent of public 23
instruction. The department of education shall make available on 24
its web site a copy of every approved, executed contract filed 25
with the superintendent under this section. 26

(A) Each contract entered into between a sponsor and the 27
governing authority of a community school shall specify the 28
following: 29

(1) That the school shall be established as either of the 30
following: 31

(a) A nonprofit corporation established under Chapter 32
1702. of the Revised Code, if established prior to April 8, 33
2003; 34

(b) A public benefit corporation established under Chapter 35
1702. of the Revised Code, if established after April 8, 2003. 36

(2) The education program of the school, including the 37
school's mission, the characteristics of the students the school 38
is expected to attract, the ages and grades of students, and the 39
focus of the curriculum; 40

(3) The academic goals to be achieved and the method of 41
measurement that will be used to determine progress toward those 42
goals, which shall include the statewide achievement 43
assessments; 44

(4) Performance standards, including but not limited to 45
all applicable report card measures set forth in section 3302.03 46
or 3314.017 of the Revised Code, by which the success of the 47
school will be evaluated by the sponsor; 48

(5) The admission standards of section 3314.06 of the 49
Revised Code and, if applicable, section 3314.061 of the Revised 50
Code; 51

(6) (a) Dismissal procedures; 52

(b) A requirement that the governing authority adopt an 53
attendance policy that includes a procedure for automatically 54
withdrawing a student from the school if the student without a 55
legitimate excuse fails to participate in seventy-two 56
consecutive hours of the learning opportunities offered to the 57
student. 58

(7) The ways by which the school will achieve racial and 59
ethnic balance reflective of the community it serves; 60

(8) Requirements for financial audits by the auditor of 61
state. The contract shall require financial records of the 62
school to be maintained in the same manner as are financial 63
records of school districts, pursuant to rules of the auditor of 64
state. Audits shall be conducted in accordance with section 65
117.10 of the Revised Code. 66

(9) An addendum to the contract outlining the facilities 67
to be used that contains at least the following information: 68

(a) A detailed description of each facility used for 69
instructional purposes; 70

(b) The annual costs associated with leasing each facility 71
that are paid by or on behalf of the school; 72

| | |
|---|-----|
| (c) The annual mortgage principal and interest payments | 73 |
| that are paid by the school; | 74 |
| (d) The name of the lender or landlord, identified as | 75 |
| such, and the lender's or landlord's relationship to the | 76 |
| operator, if any. | 77 |
| (10) Qualifications of teachers, including a requirement | 78 |
| that the school's classroom teachers be licensed in accordance | 79 |
| with sections 3319.22 to 3319.31 of the Revised Code, except | 80 |
| that a community school may engage noncertificated persons to | 81 |
| teach up to twelve hours per week pursuant to section 3319.301 | 82 |
| of the Revised Code. | 83 |
| (11) That the school will comply with the following | 84 |
| requirements: | 85 |
| (a) The school will provide learning opportunities to a | 86 |
| minimum of twenty-five students for a minimum of nine hundred | 87 |
| twenty hours per school year. | 88 |
| (b) The governing authority will purchase liability | 89 |
| insurance, or otherwise provide for the potential liability of | 90 |
| the school. | 91 |
| (c) The school will be nonsectarian in its programs, | 92 |
| admission policies, employment practices, and all other | 93 |
| operations, and will not be operated by a sectarian school or | 94 |
| religious institution. | 95 |
| (d) The school will comply with sections 9.90, 9.91, | 96 |
| 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, | 97 |
| 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, | 98 |
| 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, | 99 |
| 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, | 100 |
| 3313.6024, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, | 101 |

3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 102
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 103
3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 104
3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 105
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 106
3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 107
~~3321.191~~, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 108
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 109
of the Revised Code as if it were a school district and will 110
comply with section 3301.0714 of the Revised Code in the manner 111
specified in section 3314.17 of the Revised Code. 112

(e) The school shall comply with Chapter 102. and section 113
2921.42 of the Revised Code. 114

(f) The school will comply with sections 3313.61, 115
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 116
Revised Code, except that for students who enter ninth grade for 117
the first time before July 1, 2010, the requirement in sections 118
3313.61 and 3313.611 of the Revised Code that a person must 119
successfully complete the curriculum in any high school prior to 120
receiving a high school diploma may be met by completing the 121
curriculum adopted by the governing authority of the community 122
school rather than the curriculum specified in Title XXXIII of 123
the Revised Code or any rules of the state board of education. 124
Beginning with students who enter ninth grade for the first time 125
on or after July 1, 2010, the requirement in sections 3313.61 126
and 3313.611 of the Revised Code that a person must successfully 127
complete the curriculum of a high school prior to receiving a 128
high school diploma shall be met by completing the requirements 129
prescribed in division (C) of section 3313.603 of the Revised 130
Code, unless the person qualifies under division (D) or (F) of 131
that section. Each school shall comply with the plan for 132

awarding high school credit based on demonstration of subject 133
area competency, and beginning with the 2017-2018 school year, 134
with the updated plan that permits students enrolled in seventh 135
and eighth grade to meet curriculum requirements based on 136
subject area competency adopted by the state board of education 137
under divisions (J) (1) and (2) of section 3313.603 of the 138
Revised Code. Beginning with the 2018-2019 school year, the 139
school shall comply with the framework for granting units of 140
high school credit to students who demonstrate subject area 141
competency through work-based learning experiences, internships, 142
or cooperative education developed by the department under 143
division (J) (3) of section 3313.603 of the Revised Code. 144

(g) The school governing authority will submit within four 145
months after the end of each school year a report of its 146
activities and progress in meeting the goals and standards of 147
divisions (A) (3) and (4) of this section and its financial 148
status to the sponsor and the parents of all students enrolled 149
in the school. 150

(h) The school, unless it is an internet- or computer- 151
based community school, will comply with section 3313.801 of the 152
Revised Code as if it were a school district. 153

(i) If the school is the recipient of moneys from a grant 154
awarded under the federal race to the top program, Division (A), 155
Title XIV, Sections 14005 and 14006 of the "American Recovery 156
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 157
the school will pay teachers based upon performance in 158
accordance with section 3317.141 and will comply with section 159
3319.111 of the Revised Code as if it were a school district. 160

(j) If the school operates a preschool program that is 161
licensed by the department of education under sections 3301.52 162

to 3301.59 of the Revised Code, the school shall comply with 163
sections 3301.50 to 3301.59 of the Revised Code and the minimum 164
standards for preschool programs prescribed in rules adopted by 165
the state board under section 3301.53 of the Revised Code. 166

(k) The school will comply with sections 3313.6021 and 167
3313.6023 of the Revised Code as if it were a school district 168
unless it is either of the following: 169

(i) An internet- or computer-based community school; 170

(ii) A community school in which a majority of the 171
enrolled students are children with disabilities as described in 172
division (A) (4) (b) of section 3314.35 of the Revised Code. 173

(l) The school will comply with section 3321.191 of the 174
Revised Code, unless it is an internet- or computer-based 175
community school that is subject to section 3314.261 of the 176
Revised Code. 177

(12) Arrangements for providing health and other benefits 178
to employees; 179

(13) The length of the contract, which shall begin at the 180
beginning of an academic year. No contract shall exceed five 181
years unless such contract has been renewed pursuant to division 182
(E) of this section. 183

(14) The governing authority of the school, which shall be 184
responsible for carrying out the provisions of the contract; 185

(15) A financial plan detailing an estimated school budget 186
for each year of the period of the contract and specifying the 187
total estimated per pupil expenditure amount for each such year. 188

(16) Requirements and procedures regarding the disposition 189
of employees of the school in the event the contract is 190

terminated or not renewed pursuant to section 3314.07 of the 191
Revised Code; 192

(17) Whether the school is to be created by converting all 193
or part of an existing public school or educational service 194
center building or is to be a new start-up school, and if it is 195
a converted public school or service center building, 196
specification of any duties or responsibilities of an employer 197
that the board of education or service center governing board 198
that operated the school or building before conversion is 199
delegating to the governing authority of the community school 200
with respect to all or any specified group of employees provided 201
the delegation is not prohibited by a collective bargaining 202
agreement applicable to such employees; 203

(18) Provisions establishing procedures for resolving 204
disputes or differences of opinion between the sponsor and the 205
governing authority of the community school; 206

(19) A provision requiring the governing authority to 207
adopt a policy regarding the admission of students who reside 208
outside the district in which the school is located. That policy 209
shall comply with the admissions procedures specified in 210
sections 3314.06 and 3314.061 of the Revised Code and, at the 211
sole discretion of the authority, shall do one of the following: 212

(a) Prohibit the enrollment of students who reside outside 213
the district in which the school is located; 214

(b) Permit the enrollment of students who reside in 215
districts adjacent to the district in which the school is 216
located; 217

(c) Permit the enrollment of students who reside in any 218
other district in the state. 219

(20) A provision recognizing the authority of the 220
department of education to take over the sponsorship of the 221
school in accordance with the provisions of division (C) of 222
section 3314.015 of the Revised Code; 223

(21) A provision recognizing the sponsor's authority to 224
assume the operation of a school under the conditions specified 225
in division (B) of section 3314.073 of the Revised Code; 226

(22) A provision recognizing both of the following: 227

(a) The authority of public health and safety officials to 228
inspect the facilities of the school and to order the facilities 229
closed if those officials find that the facilities are not in 230
compliance with health and safety laws and regulations; 231

(b) The authority of the department of education as the 232
community school oversight body to suspend the operation of the 233
school under section 3314.072 of the Revised Code if the 234
department has evidence of conditions or violations of law at 235
the school that pose an imminent danger to the health and safety 236
of the school's students and employees and the sponsor refuses 237
to take such action. 238

(23) A description of the learning opportunities that will 239
be offered to students including both classroom-based and non- 240
classroom-based learning opportunities that is in compliance 241
with criteria for student participation established by the 242
department under division (H) (2) of section 3314.08 of the 243
Revised Code; 244

(24) The school will comply with sections 3302.04 and 245
3302.041 of the Revised Code, except that any action required to 246
be taken by a school district pursuant to those sections shall 247
be taken by the sponsor of the school. However, the sponsor 248

shall not be required to take any action described in division 249
(F) of section 3302.04 of the Revised Code. 250

(25) Beginning in the 2006-2007 school year, the school 251
will open for operation not later than the thirtieth day of 252
September each school year, unless the mission of the school as 253
specified under division (A) (2) of this section is solely to 254
serve dropouts. In its initial year of operation, if the school 255
fails to open by the thirtieth day of September, or within one 256
year after the adoption of the contract pursuant to division (D) 257
of section 3314.02 of the Revised Code if the mission of the 258
school is solely to serve dropouts, the contract shall be void. 259

(26) Whether the school's governing authority is planning 260
to seek designation for the school as a STEM school equivalent 261
under section 3326.032 of the Revised Code; 262

(27) That the school's attendance and participation 263
policies will be available for public inspection; 264

(28) That the school's attendance and participation 265
records shall be made available to the department of education, 266
auditor of state, and school's sponsor to the extent permitted 267
under and in accordance with the "Family Educational Rights and 268
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 269
and any regulations promulgated under that act, and section 270
3319.321 of the Revised Code; 271

(29) If a school operates using the blended learning 272
model, as defined in section 3301.079 of the Revised Code, all 273
of the following information: 274

(a) An indication of what blended learning model or models 275
will be used; 276

(b) A description of how student instructional needs will 277

| | |
|--|-----|
| be determined and documented; | 278 |
| (c) The method to be used for determining competency, | 279 |
| granting credit, and promoting students to a higher grade level; | 280 |
| (d) The school's attendance requirements, including how | 281 |
| the school will document participation in learning | 282 |
| opportunities; | 283 |
| (e) A statement describing how student progress will be | 284 |
| monitored; | 285 |
| (f) A statement describing how private student data will | 286 |
| be protected; | 287 |
| (g) A description of the professional development | 288 |
| activities that will be offered to teachers. | 289 |
| (30) A provision requiring that all moneys the school's | 290 |
| operator loans to the school, including facilities loans or cash | 291 |
| flow assistance, must be accounted for, documented, and bear | 292 |
| interest at a fair market rate; | 293 |
| (31) A provision requiring that, if the governing | 294 |
| authority contracts with an attorney, accountant, or entity | 295 |
| specializing in audits, the attorney, accountant, or entity | 296 |
| shall be independent from the operator with which the school has | 297 |
| contracted. | 298 |
| (32) A provision requiring the governing authority to | 299 |
| adopt an enrollment and attendance policy that requires a | 300 |
| student's parent to notify the community school in which the | 301 |
| student is enrolled when there is a change in the location of | 302 |
| the parent's or student's primary residence. | 303 |
| (33) A provision requiring the governing authority to | 304 |
| adopt a student residence and address verification policy for | 305 |

students enrolling in or attending the school. 306

(B) The community school shall also submit to the sponsor 307
a comprehensive plan for the school. The plan shall specify the 308
following: 309

(1) The process by which the governing authority of the 310
school will be selected in the future; 311

(2) The management and administration of the school; 312

(3) If the community school is a currently existing public 313
school or educational service center building, alternative 314
arrangements for current public school students who choose not 315
to attend the converted school and for teachers who choose not 316
to teach in the school or building after conversion; 317

(4) The instructional program and educational philosophy 318
of the school; 319

(5) Internal financial controls. 320

When submitting the plan under this division, the school 321
shall also submit copies of all policies and procedures 322
regarding internal financial controls adopted by the governing 323
authority of the school. 324

(C) A contract entered into under section 3314.02 of the 325
Revised Code between a sponsor and the governing authority of a 326
community school may provide for the community school governing 327
authority to make payments to the sponsor, which is hereby 328
authorized to receive such payments as set forth in the contract 329
between the governing authority and the sponsor. The total 330
amount of such payments for monitoring, oversight, and technical 331
assistance of the school shall not exceed three per cent of the 332
total amount of payments for operating expenses that the school 333

receives from the state. 334

(D) The contract shall specify the duties of the sponsor 335
which shall be in accordance with the written agreement entered 336
into with the department of education under division (B) of 337
section 3314.015 of the Revised Code and shall include the 338
following: 339

(1) Monitor the community school's compliance with all 340
laws applicable to the school and with the terms of the 341
contract; 342

(2) Monitor and evaluate the academic and fiscal 343
performance and the organization and operation of the community 344
school on at least an annual basis; 345

(3) Report on an annual basis the results of the 346
evaluation conducted under division (D)(2) of this section to 347
the department of education and to the parents of students 348
enrolled in the community school; 349

(4) Provide technical assistance to the community school 350
in complying with laws applicable to the school and terms of the 351
contract; 352

(5) Take steps to intervene in the school's operation to 353
correct problems in the school's overall performance, declare 354
the school to be on probationary status pursuant to section 355
3314.073 of the Revised Code, suspend the operation of the 356
school pursuant to section 3314.072 of the Revised Code, or 357
terminate the contract of the school pursuant to section 3314.07 358
of the Revised Code as determined necessary by the sponsor; 359

(6) Have in place a plan of action to be undertaken in the 360
event the community school experiences financial difficulties or 361
closes prior to the end of a school year. 362

(E) Upon the expiration of a contract entered into under 363
this section, the sponsor of a community school may, with the 364
approval of the governing authority of the school, renew that 365
contract for a period of time determined by the sponsor, but not 366
ending earlier than the end of any school year, if the sponsor 367
finds that the school's compliance with applicable laws and 368
terms of the contract and the school's progress in meeting the 369
academic goals prescribed in the contract have been 370
satisfactory. Any contract that is renewed under this division 371
remains subject to the provisions of sections 3314.07, 3314.072, 372
and 3314.073 of the Revised Code. 373

(F) If a community school fails to open for operation 374
within one year after the contract entered into under this 375
section is adopted pursuant to division (D) of section 3314.02 376
of the Revised Code or permanently closes prior to the 377
expiration of the contract, the contract shall be void and the 378
school shall not enter into a contract with any other sponsor. A 379
school shall not be considered permanently closed because the 380
operations of the school have been suspended pursuant to section 381
3314.072 of the Revised Code. 382

Sec. 3314.261. This section shall not apply to an 383
internet- or computer-based community school in which a majority 384
of the students are enrolled in a dropout prevention and 385
recovery program. 386

(A) For purposes of this section, "instructional 387
activities" means the following classroom-based or nonclassroom- 388
based activities that a student is expected to complete, 389
participate in, or attend during any given school day: 390

(1) Online logins to curriculum or programs; 391

| | |
|--|-----|
| <u>(2) Offline activities;</u> | 392 |
| <u>(3) Completed assignments within a particular program,</u> | 393 |
| <u>curriculum, or class;</u> | 394 |
| <u>(4) Testing;</u> | 395 |
| <u>(5) Face-to-face communications or meetings with school</u> | 396 |
| <u>staff or service providers;</u> | 397 |
| <u>(6) Telephone or video conferences with school staff or</u> | 398 |
| <u>service providers;</u> | 399 |
| <u>(7) Other documented communication with school staff or</u> | 400 |
| <u>service providers related to school curriculum or programs.</u> | 401 |
| <u>(B) (1) Each internet- or computer-based community school's</u> | 402 |
| <u>attendance policy adopted in accordance with division (A) (6) (b)</u> | 403 |
| <u>of section 3314.03 of the Revised Code shall specify that a</u> | 404 |
| <u>student is considered in attendance at the school when the</u> | 405 |
| <u>student satisfies either of the following conditions:</u> | 406 |
| <u>(a) The student participates in at least ninety per cent</u> | 407 |
| <u>of the hours of instructional activities offered by the school</u> | 408 |
| <u>in that school year;</u> | 409 |
| <u>(b) The student is on pace for on-time completion of any</u> | 410 |
| <u>course in which the student is enrolled. The school's attendance</u> | 411 |
| <u>policy shall define "on pace for on-time completion" for</u> | 412 |
| <u>purposes of division (B) (1) (b) of this section.</u> | 413 |
| <u>(2) If a student is not considered in attendance under</u> | 414 |
| <u>division (B) (1) of this section, the student shall be considered</u> | 415 |
| <u>absent for those hours of instructional activities offered by</u> | 416 |
| <u>the school in that school year in which the student does not</u> | 417 |
| <u>participate.</u> | 418 |

(3) In the event that a student has thirty or more hours 419
of unexcused absences in any semester, the internet- or 420
computer-based community school in which the student is enrolled 421
shall submit a written report to the student's parent, guardian, 422
or custodian. 423

(C) Notwithstanding section 3321.191 of the Revised Code, 424
each internet- or computer-based community school shall develop 425
and adopt a policy regarding failure to participate in 426
instructional activities. The policy shall state that a student 427
shall become subject to certain consequences, including 428
disenrollment from the school, if both of the following 429
conditions are satisfied: 430

(1) After the student's parent, guardian, or custodian 431
receives a written report under division (B) (2) of this section, 432
the student fails to comply with the policy adopted under 433
division (C) of this section within a reasonable period of time 434
specified by the school; 435

(2) Other intervention strategies contained in the policy 436
adopted under division (C) of this section fail to cause a 437
student's attendance to comply with the policy. 438

(D) If an internet- or computer-based community school 439
disenrolled a student pursuant to a policy adopted under 440
division (C) of this section, the student shall not be eligible 441
to enroll in that school or another internet- or computer-based 442
community school for one school year from the date of the 443
student's disenrollment. This division does not prohibit a 444
disenrolled student from enrolling in another internet- or 445
computer-based community school if a majority of the students of 446
that school are enrolled in a dropout prevention and recovery 447
program. 448

(E) If an internet- or computer-based community school 449
disenrolls a student pursuant to a policy adopted under division 450
(C) of this section, the school shall do both of the following: 451

(1) Provide the student's parent, guardian, or custodian 452
with a list of alternative educational options available to the 453
student; 454

(2) Within forty-eight hours of the student's 455
disenrollment, notify the student's resident school district in 456
writing. 457

(F) Nothing in this section shall be construed to affect 458
the procedure for automatically withdrawing a student from 459
school that must be adopted as part of a school's attendance 460
policy in accordance with division (A) (6) (b) of section 3314.03 461
of the Revised Code. 462

Section 2. That existing section 3314.03 of the Revised 463
Code is hereby repealed. 464

Section 3. (A) As used in this section, "school governing 465
body" means any of the following: 466

(1) The board of education of a city, local, exempted 467
village, or joint vocational school district; 468

(2) The governing authority of a community school 469
established under Chapter 3314. of the Revised Code; 470

(3) The governing body of a STEM school established under 471
Chapter 3326. of the Revised Code; 472

(4) The governing authority of a chartered nonpublic 473
school. 474

(5) The governing board of an educational service center 475

or a regional council of governments, established under Chapter 476
167. of the Revised Code, consisting of one or more educational 477
service centers that provide substitute teaching services. 478

(B) Notwithstanding anything to the contrary in sections 479
3301.071, 3319.226, 3319.30, and 3319.36 and Chapters 3314. and 480
3326. of the Revised Code, or the administrative rules of the 481
State Board of Education, a school governing body may, in 482
accordance with the district's or school's own set of 483
educational requirements, employ an individual who does not hold 484
a post-secondary degree as a substitute teacher, for the 2020- 485
2021 school year only, provided that all other applicable 486
requirements and procedures contained in the Revised Code and 487
the Administrative Code with respect to that individual's 488
qualifications to be a substitute teacher in the district or 489
school are satisfied. The State Board of Education shall issue a 490
non-renewable temporary substitute teaching license to an 491
individual who does not hold a post-secondary degree for the 492
2020-2021 school year only, provided the applicant meets all 493
other requirements and procedures contained in section 3319.226 494
of the Revised Code and in rule 3301-23-44 of the Administrative 495
Code. 496

Section 4. Notwithstanding anything to the contrary in the 497
Revised Code, no school district, community school, or STEM 498
school and no chartered nonpublic school that is subject to 499
section 3301.163 of the Revised Code shall retain a student in 500
the third grade under that section or section 3313.608 of the 501
Revised Code based solely on a student's academic performance in 502
reading in the 2020-2021 school year unless the principal of the 503
school building in which a student is enrolled and the student's 504
reading teacher agree that the student is reading below grade 505
level and is not prepared to be promoted to the fourth grade. 506

Section 5. (A) For the 2020-2021 school year, the 507
Superintendent of Public Instruction may extend or waive any 508
deadline for an action required of the State Board of Education, 509
the Department of Education, or any person or entity licensed or 510
regulated by the State Board or Department related to the 511
following: 512

(1) The conducting of evaluations for school personnel 513
under Chapter 3319. of the Revised Code; 514

(2) Notice of intent not to reemploy school personnel 515
under Chapter 3319. of the Revised Code; 516

(3) The conducting of school safety drills under section 517
3737.73 of the Revised Code; 518

(4) The emergency management test required by division (E) 519
of section 3313.536 of the Revised Code; 520

(5) The filling of a vacancy in a board of education; 521

(6) Updating of teacher evaluation policies to conform 522
with the framework for evaluation of teachers adopted under 523
section 3319.112 of the Revised Code; 524

(7) Identification and screening of gifted students under 525
Chapter 3324. of the Revised Code. 526

(B) The authority to waive or extend deadlines permitted 527
under division (A) of this section shall not apply to 528
application deadlines for any scholarship program as defined in 529
section 3301.0711 of the Revised Code. 530

Section 6. Except as necessary to comply with federal law, 531
notwithstanding anything to the contrary in the Revised Code, 532
all of the following shall apply: 533

(A) 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 for the 2020-2021 school year
nor shall the Department be required to submit preliminary data
for the report cards by July 31, 2021, 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 2020-2021 school year.

The Department shall report any data that it has regarding
the performance of districts and buildings for the 2020-2021
school year by September 15, 2021.

(B) Except as provided in division (C) of this section,
the absence of report card ratings for the 2020-2021 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
2020-2021 school year based on its report card rating for
previous school years, those penalties or sanctions shall remain
in effect for the 2021-2022 school year. Those penalties and
sanctions include the following:

| | |
|--|-----|
| (1) Any restructuring provisions established under Chapter | 564 |
| 3302. of the Revised Code, except as required under federal law; | 565 |
| (2) Provisions for the Columbus City School Pilot Project | 566 |
| under section 3302.042 of the Revised Code; | 567 |
| (3) Provisions for academic distress commissions under | 568 |
| section 3302.10 of the Revised Code. While a district subject to | 569 |
| an academic distress commission prior to the effective date of | 570 |
| this section shall be considered to be subject to an academic | 571 |
| distress commission for the 2021-2022 school year, that year | 572 |
| shall not be included for purposes of determining progressive | 573 |
| consequences under divisions (H), (I), (J), (K), and (L) of | 574 |
| section 3302.10 of the Revised Code that are in addition to | 575 |
| those that were being exercised by the chief executive officer | 576 |
| during the 2020-2021 school year or for purposes of the | 577 |
| appointment of a new board of education under division (K) of | 578 |
| that section. Nothing in division (B)(3) of this section shall | 579 |
| be construed to limit the powers that the chief executive | 580 |
| officer exercised under section 3302.10 of the Revised Code | 581 |
| prior to the 2021-2022 school year. | 582 |
| (4) Provisions prescribing new buildings where students | 583 |
| are eligible for the Educational Choice Scholarships under | 584 |
| section 3310.03 of the Revised Code; | 585 |
| (5) Provisions defining "challenged school districts" in | 586 |
| which new start-up community schools may be located, as | 587 |
| prescribed in section 3314.02 of the Revised Code; | 588 |
| (6) Provisions prescribing community school closure | 589 |
| requirements under section 3314.35 or 3314.351 of the Revised | 590 |
| Code; | 591 |
| (7) Provisions of state or federal law that identify | 592 |

school districts or buildings for comprehensive or targeted 593
support and improvement or additional targeted support and 594
improvement. Districts and buildings so identified shall 595
continue to receive supports and interventions consistent with 596
their support and improvement plans in the 2021-2022 school 597
year. 598

(8) Provisions that determine the conditions under which 599
community schools may change sponsors under section 3314.034 of 600
the Revised Code. 601

(C) Nothing in division (B) of this section shall affect 602
the awarding of performance-based Educational Choice 603
Scholarships under section 3310.03 of the Revised Code for the 604
2021-2022 and 2022-2023 school years. 605

(D) Notwithstanding anything in section 3314.016 of the 606
Revised Code to the contrary, community school sponsor ratings 607
issued under that section for the 2020-2021 school year shall 608
have no effect in determining sanctions or penalties of a 609
sponsor under Chapter 3314. of the Revised Code but shall not 610
create a new starting point for determinations that are based on 611
ratings over multiple years. The sponsor ratings of any previous 612
or subsequent school years shall be considered when a sponsor is 613
subject to sanctions or penalties under that chapter. A sponsor 614
shall remain eligible in the 2021-2022 school year for any 615
incentives that the sponsor was eligible for in the 2020-2021 616
school year, and the 2020-2021 school year shall not count 617
toward the number of years in which a sponsor subject to 618
division (B) (7) (b) of section 3314.016 of the Revised Code is 619
not required to be evaluated. 620

Section 7. Sections 3, 4, 5, and 6 of this act are hereby 621
declared to be an emergency measure necessary for the immediate 622

preservation of the public peace, health, and safety. The reason 623
for such necessity is to ensure school districts and schools can 624
employ an adequate number of substitute teachers for the 2020- 625
2021 school year to address the needs of the state arising from 626
the COVID-19 outbreak, to ensure that the changes made by 627
Section 4 of this act in regard to retention under the Third 628
Grade Reading Guarantee take effect as soon as possible after 629
the start of the 2020-2021 school year, and to ensure that the 630
changes made by Sections 5 and 6 of this act take effect as soon 631
as possible after the start of the 2020-2021 school year. 632
Therefore, Sections 3, 4, 5, and 6 of this act shall go into 633
immediate effect. 634