

**As Reported by the Senate Government Oversight and Reform  
Committee**

**133rd General Assembly**

**Regular Session  
2019-2020**

**Sub. H. B. No. 404**

**Representatives Manchester, Sweeney**

**Cosponsors: Representatives Abrams, Blair, Carfagna, Koehler, Lang, Lipps,  
O'Brien, Riedel, Seitz, Smith, K., Galonski, Perales, Clites, Crossman, Ingram,  
Lightbody, Miller, J., Richardson, Rogers, Russo**

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**A BILL**

To amend Sections 10 and 11 of H.B. 164 of the 1  
133rd General Assembly, Sections 10, 11 as 2  
subsequently amended, 12, 13, and 17 as 3  
subsequently amended of H.B. 197 of the 133rd 4  
General Assembly, Section 27 of H.B. 481 of the 5  
133rd General Assembly, as subsequently amended, 6  
and Section 7 of S.B. 216 of the 132nd General 7  
Assembly, as subsequently amended, to continue 8  
essential operations of state and local 9  
government in response to the declared pandemic 10  
and global health emergency related to COVID-19 11  
and to declare an emergency. 12

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

**Section 1.** That Sections 10, 11 (as amended by H.B. 614 of 13  
the 133rd General Assembly), 12, 13, and 17 (as amended by H.B. 14  
164 of the 133rd General Assembly) of H.B. 197 of the 133rd 15  
General Assembly be amended to read as follows: 16

**Sec. 10.** (A) ~~During the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, but not beyond December 1, 2020, if the period of the emergency continues beyond that date, Until July 1, 2021,~~ the Director of Agriculture may exempt a school from regulation as a food processing establishment under section 3715.021 of the Revised Code if the school:

(1) Has been issued a food service operation license under Chapter 3717. of the Revised Code; and

(2) Is transporting food only for purposes of the Seamless Summer Option Program or the Summer Food Service Program administered by the United States Department of Agriculture.

(B) ~~During the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, but not beyond December 1, 2020, if the period of the emergency continues beyond that date, Until July 1, 2021,~~ the Director of Agriculture may exempt an entity from regulation as a food processing establishment under section 3715.021 of the Revised Code if the entity:

(1) Has been issued a food service operation license under Chapter 3717. of the Revised Code; and

(2) Is transporting food only for purposes of the Summer Food Service Program administered by the United States Department of Agriculture.

**Sec. 11.** (A) As used in this section:

(1) "License" means any license, permit, certificate, commission, charter, registration, card, or other similar authority that is issued or conferred by a state agency, a political subdivision of this state, or an official of a

political subdivision of this state. 46

(2) "Person" has the same meaning as in section 1.59 of 47  
the Revised Code. 48

(3) "State agency" means every organized body, office, or 49  
agency established by the laws of the state for the exercise of 50  
any function of state government. "State agency" includes all of 51  
the following: 52

(a) The nonprofit corporation formed under section 187.01 53  
of the Revised Code; 54

(b) The Public Employees Retirement Board, Board of 55  
Trustees of the Ohio Police and Fire Pension Fund, State 56  
Teachers Retirement Board, School Employees Retirement Board, 57  
and State Highway Patrol Retirement Board; 58

(c) A state institution of higher education as defined in 59  
section 3345.011 of the Revised Code. 60

(B) If a state agency is required by law to take action 61  
~~during the period of the emergency declared by Executive Order~~ 62  
~~2020-01D, issued on or after March 9, 2020, but not beyond~~ 63  
~~December 1, 2020, if the period of the emergency continues~~ 64  
~~beyond that date~~April 1, 2021, notwithstanding the date by which 65  
action is required to be taken in accordance with that law, the 66  
state agency shall take that action not later than ~~the earlier~~ 67  
~~of either ninety days after the date the emergency ends or~~ 68  
~~December 1, 2020~~July 1, 2021. 69

(C) (1) Except as provided in division (E) of this section, 70  
if a person is required by law to take action to maintain the 71  
validity of a license ~~during the period of the emergency~~ 72  
~~declared by Executive Order 2020-01D, issued on or after March~~ 73  
~~9, 2020, but not beyond December 1, 2020, if the period of the~~ 74

~~emergency continues beyond that date~~April 1, 2021, 75  
notwithstanding the date by which action with respect to that 76  
license is required to be taken in accordance with that law, the 77  
person shall take that action not later than ~~the sooner of~~ 78  
~~either ninety days after the date the emergency ends or December~~ 79  
~~1, 2020~~July 1, 2021. 80

(2) Except as provided in division (E) of this section, a 81  
license otherwise expiring pursuant to law ~~during the period of~~ 82  
~~the emergency declared by Executive Order 2020-01D, issued on or~~ 83  
~~after March 9, 2020, but not beyond December 1, 2020, if the~~ 84  
~~period of the emergency continues beyond that date~~April 1, 2021, 85  
notwithstanding the date on which the license expires in 86  
accordance with that law, remains valid until ~~the earlier of~~ 87  
~~either ninety days after the date the emergency ends or December~~ 88  
~~1, 2020~~July 1, 2021, unless revoked, suspended, or otherwise 89  
subject to discipline or limitation under the applicable law for 90  
reasons other than delaying taking action to maintain the 91  
validity of the license in accordance with division (C) (1) of 92  
this section. 93

(D) Nothing in division (C) of this section limits the 94  
authority of a state agency, political subdivision, or official 95  
that issues a license to take disciplinary action under the 96  
applicable law against a person with respect to a license, 97  
provided that a state agency, political subdivision, or official 98  
shall not take disciplinary action against a person who delays 99  
in taking action to maintain the validity of the license in 100  
accordance with division (C) (1) of this section. 101

(E) (1) If a concealed handgun license has been issued to a 102  
person under section 2923.125 of the Revised Code and if the 103  
date on which that license was, or is, scheduled to expire falls 104

on or after March 9, 2020, but not beyond June 30, 2021, 105  
notwithstanding that date of scheduled expiration or any other 106  
provision of law to the contrary, the date on which that license 107  
was, or is, scheduled to expire is hereby extended to the later 108  
of either ninety days or June 30, 2021, with the ninety-day 109  
extension period commencing on that date of scheduled 110  
expiration. 111

(2) Division (E)(1) of this section applies with respect 112  
to a concealed handgun license that is described in that 113  
division even if the date of scheduled expiration of that 114  
license occurred prior to the effective date of this section, as 115  
amended. 116

(F) If division (E)(1) of this section applies with 117  
respect to a concealed handgun license, during the extension 118  
period described in that division that is applicable to that 119  
license and during the thirty-day grace period provided 120  
subsequent to the license's expiration under division (A) of 121  
section 2923.126 of the Revised Code, both of the following 122  
apply: 123

(1) The license shall be valid for all purposes under the 124  
law of this state. 125

(2) The person to whom the license was issued shall be 126  
considered for all purposes under the law of this state to be a 127  
holder of a valid license to carry a concealed handgun. 128

(G) If division (E) of this section applies with respect 129  
to a concealed handgun license: 130

(1) The application of that division does not affect the 131  
operation of section 2923.128 of the Revised Code, during the 132  
applicable extension period described in that division or at any 133

other time. 134

(2) The provisions of section 2923.128 of the Revised Code 135  
requiring the suspension or revocation of a concealed handgun 136  
license for specified conduct, or for a specified activity or 137  
factor, apply to the license with respect to which division (E) 138  
of this section applies and to the person to whom the license 139  
was issued, during the applicable extension period described in 140  
that division or at any other time. 141

(H) This section does not apply to any of the following: 142

(1) An offender who has violent offender database duties 143  
as defined in section 2903.41 of the Revised Code; 144

(2) An offender who has a duty to register under section 145  
2909.15 of the Revised Code; 146

(3) An offender who has a duty to register under section 147  
2950.04 or 2950.041 of the Revised Code. 148

(I) No cause of action accrues due to the delay of an 149  
action taken under division (B), (C), or (E) of this section. 150

(J) The General Assembly encourages any person to whom the 151  
extension of time described in division (C) (1) or (E) of this 152  
section applies to make all reasonable efforts, taking into 153  
consideration the detrimental risks of COVID-19 to the health 154  
and safety of the person and other individuals, to take action 155  
with respect to a license within the extension granted under 156  
that division before the extension elapses. 157

**Sec. 12.** (A) As used in this section: 158

"Hearing" means an administrative hearing, hearing as 159  
defined in section 119.01 of the Revised Code, or other hearing 160  
at which a person may present written or oral testimony on a 161

matter before the public body. 162

"Public body" and "meeting" have the meanings defined in 163  
section 121.22 of the Revised Code. 164

~~(B) During the period of the emergency declared by~~ 165  
~~Executive Order 2020-01D, issued on March 9, 2020, but not~~ 166  
~~beyond December 1, 2020, if the period of the emergency~~ 167  
~~continues beyond that date, members~~ Members of a public body may 168  
hold and attend meetings and may conduct and attend hearings by 169  
means of teleconference, video conference, or any other similar 170  
electronic technology and all of the following apply: 171

(1) Any resolution, rule, or formal action of any kind 172  
shall have the same effect as if it had occurred during an open 173  
meeting or hearing of the public body. 174

(2) Notwithstanding division (C) of section 121.22 of the 175  
Revised Code, members of a public body who attend meetings or 176  
hearings by means of teleconference, video conference, or any 177  
other similar electronic technology, shall be considered present 178  
as if in person at the meeting or hearing, shall be permitted to 179  
vote, and shall be counted for purposes of determining whether a 180  
quorum is present at the meeting or hearing. 181

(3) Public bodies shall provide notification of meetings 182  
and hearings held under this section to the public, to the media 183  
that have requested notification of a meeting, and to the 184  
parties required to be notified of a hearing, at least twenty- 185  
four hours in advance of the meeting or hearing by reasonable 186  
methods by which any person may determine the time, location, 187  
and the manner by which the meeting or hearing will be 188  
conducted, except in the event of an emergency requiring 189  
immediate official action. In the event of an emergency, the 190

public body shall immediately notify the news media that have 191  
requested notification or the parties required to be notified of 192  
a hearing of the time, place, and purpose of the meeting or 193  
hearing. 194

(4) The public body shall provide the public access to a 195  
meeting held under this section, and to any hearing held under 196  
this section that the public would otherwise be entitled to 197  
attend, commensurate with the method in which the meeting or 198  
hearing is being conducted, including, but not limited to, 199  
examples such as live-streaming by means of the internet, local 200  
radio, television, cable, or public access channels, call in 201  
information for a teleconference, or by means of any other 202  
similar electronic technology. The public body shall ensure that 203  
the public can observe and hear the discussions and 204  
deliberations of all the members of the public body, whether the 205  
member is participating in person or electronically. 206

(C) When members of a public body conduct a hearing by 207  
means of teleconference, video conference, or any other similar 208  
electronic technology, the public body must establish a means, 209  
through the use of electronic equipment that is widely available 210  
to the general public, to converse with witnesses, and to 211  
receive documentary testimony and physical evidence. 212

(D) The authority granted in this section applies 213  
notwithstanding any conflicting provision of the Revised Code. 214  
Nothing in this section shall be construed to negate any 215  
provision of section 121.22 of the Revised Code, Chapter 119. of 216  
the Revised Code, or other section of the Revised Code that is 217  
not in conflict with this section. 218

(E) This section is effective ~~during the period of the~~ 219  
~~emergency declared by Executive Order 2020-01D, issued on March-~~ 220



~~9, 2020, or until December 1, 2020~~July 1, 2021, if the period of  
the emergency continues beyond that date.

**Sec. 13.** (A) As used in this section:

(1) "PERS retirant" and "other system retirant" have the  
same meanings as in section 145.38 of the Revised Code.

(2) "Public employer" has the same meaning as in section  
145.01 of the Revised Code.

~~(B) During the period of the emergency declared by~~  
~~Executive Order 2020-01D, issued on March 9, 2020, but not~~  
~~beyond December 1, 2020, if the period of emergency goes beyond~~  
~~that date~~Until July 1, 2021, a PERS retirant or other system  
retirant who is employed by any of the following public  
employers shall not be required to forfeit the retirant's  
retirement allowance as described in division (B)(4) of section  
145.38 of the Revised Code:

(1) The Department of Rehabilitation and Correction;

(2) The Department of Youth Services;

(3) The Department of Mental Health and Addiction  
Services;

(4) The Department of Veterans Services;

(5) The Department of Developmental Disabilities.

**Sec. 17.** Notwithstanding anything in the Revised Code or  
Administrative Code to the contrary, for the 2019-2020 school  
year only, except as otherwise provided in this section, due to  
the Director of Health's order under section 3701.13 of the  
Revised Code "In re: Order the Closure of All K-12 Schools in  
the State of Ohio" issued on March 14, 2020, or any local board

of health order, and any extension of any order, based on the 248  
implications of COVID-19, all of the following apply: 249

(A) (1) Any city, exempted village, local, joint 250  
vocational, or municipal school district, any community school 251  
established under Chapter 3314. of the Revised Code, any STEM 252  
school established under Chapter 3326. of the Revised Code, any 253  
chartered nonpublic school, and the State School for the Deaf 254  
and the State School for the Blind shall not be required to 255  
administer the assessments prescribed in sections 3301.0710, 256  
3301.0711, 3301.0712, 3313.903, and 3314.017 of the Revised 257  
Code, including the Ohio English Language Proficiency Assessment 258  
administered to English learners pursuant to division (C) (3) (b) 259  
of section 3301.0711 of the Revised Code and the Alternate 260  
Assessment for Students with Significant Cognitive Disabilities 261  
prescribed in division (C) (1) of section 3301.0711 of the 262  
Revised Code. 263

(2) Any chartered nonpublic school that has chosen to 264  
administer assessments under section 3313.619 of the Revised 265  
Code that has not administered such assessments by March 17, 266  
2020, shall not be required to administer those assessments. 267

(3) The Department of Education shall not exclude any 268  
student to whom an assessment was not administered in the 2019- 269  
2020 school year under division (A) of this section from 270  
counting in a district's or school's enrollment for the 2020- 271  
2021 school year pursuant to division (L) (3) of section 3314.08, 272  
division (E) (3) of section 3317.03, or division (C) of section 273  
3326.37 of the Revised Code. 274

(4) If a student was not administered an assessment in the 275  
2019-2020 school year under division (A) of this section, that 276  
school year shall not count in determining if the student is 277

subject to withdrawal from a school pursuant to section 278  
3313.6410 or 3314.26 of the Revised Code. 279

(5) No student who received a scholarship under the 280  
Educational Choice Scholarship Program under section 3310.03 or 281  
3310.032 of the Revised Code, the Jon Peterson Special Needs 282  
Scholarship Program under section 3310.52 of the Revised Code, 283  
or the Pilot Project Scholarship Program under section 3313.975 284  
of the Revised Code for the 2019-2020 school year shall be 285  
considered ineligible to renew that scholarship for the 2020- 286  
2021 school year solely because the student was not administered 287  
an assessment in the 2019-2020 school year under division (A) of 288  
this section. 289

(B) (1) The Department of Education shall not publish state 290  
report card ratings under section 3302.03, 3302.033, 3314.012, 291  
or 3314.017 of the Revised Code nor shall the Department be 292  
required to submit preliminary data for the report cards by July 293  
31, 2020, as required by those sections. Furthermore, the 294  
Department shall not assign an overall letter grade under 295  
division (C) (3) of section 3302.03 of the Revised Code for any 296  
school district or building, shall not assign an individual 297  
grade to any component prescribed under division (C) (3) of 298  
section 3302.03 of the Revised Code, shall not assign a grade to 299  
any measures under division (C) (1) of section 3302.03 of the 300  
Revised Code, and shall not rank school districts, community 301  
schools, or STEM schools under section 3302.21 of the Revised 302  
Code for the 2019-2020 school year. 303

However, the Department shall report any data that it has 304  
regarding the performance of districts and buildings for the 305  
2019-2020 school year by September 15, 2020. 306

(2) The absence of report card ratings for the 2019-2020 307

school year shall have no effect in determining sanctions or 308  
penalties, and shall not create a new starting point for 309  
determinations that are based on ratings over multiple years. 310  
The report card ratings of any previous or subsequent years 311  
shall be considered in determining whether a school district or 312  
building is subject to sanctions or penalties. If a school 313  
district or building was subject to any of the following 314  
penalties or sanctions in the 2019-2020 school year based on its 315  
report card rating for previous school years, those penalties or 316  
sanctions shall remain for the 2020-2021 school year. Those 317  
penalties and sanctions include the following: 318

(a) Any restructuring provisions established under Chapter 319  
3302. of the Revised Code, except as required under federal law; 320

(b) Provisions for the Columbus City School Pilot Project 321  
under section 3302.042 of the Revised Code; 322

(c) Provisions for academic distress commissions under 323  
section 3302.10 of the Revised Code. While a district subject to 324  
an academic distress commission prior to ~~the effective date of~~ 325  
~~this section~~ March 27, 2020, shall be considered to be subject 326  
to an academic distress commission for the 2020-2021 school 327  
year, that year shall not be included for purposes of 328  
determining progressive consequences under divisions (H), (I), 329  
(J), (K), and (L) of section 3302.10 of the Revised Code that 330  
are in addition to those that were being exercised by the chief 331  
executive officer during the 2019-2020 school year or for 332  
purposes of the appointment of a new board of education under 333  
division (K) of that section. Nothing in division (B) (2) (c) of 334  
this section shall be construed to limit the powers that the 335  
chief executive officer exercised under section 3302.10 of the 336  
Revised Code prior to the 2020-2021 school year. 337

(d) Provisions prescribing new buildings where students 338  
are eligible for the Educational Choice Scholarships under 339  
section 3310.03 of the Revised Code; 340

(e) Provisions defining "challenged school districts" in 341  
which new start-up community schools may be located, as 342  
prescribed in section 3314.02 of the Revised Code; 343

(f) Provisions prescribing community school closure 344  
requirements under section 3314.35 or 3314.351 of the Revised 345  
Code; 346

(g) Provisions of state or federal law that identify 347  
school districts or buildings for comprehensive or targeted 348  
support and improvement or additional targeted support and 349  
improvement. Districts and buildings so identified shall 350  
continue to receive supports and interventions consistent with 351  
their support and improvement plans in the 2020-2021 school 352  
year. 353

(h) Provisions that determine the conditions under which 354  
community schools may change sponsors under section 3314.034 of 355  
the Revised Code. 356

(C) No school district, community school, or STEM school 357  
and no chartered nonpublic school that is subject to section 358  
3301.163 of the Revised Code shall retain a student in the third 359  
grade under that section or section 3313.608 of the Revised Code 360  
based solely on a student's academic performance in reading in 361  
the 2019-2020 school year unless the principal of the school 362  
building in which a student is enrolled and the student's 363  
reading teacher agree that the student is reading below grade 364  
level and is not prepared to be promoted to the fourth grade. 365

(D) (1) Division (D) of this section applies to any student 366

who meets both of the following criteria: 367

(a) The student was enrolled in the twelfth grade in the 368  
2019-2020 school year or was on track to graduate in the 2019- 369  
2020 school year, as determined by the school district or other 370  
public or chartered nonpublic school in which the student was 371  
enrolled, regardless of the graduation cohort in which the 372  
student is included. 373

(b) The student had not completed the requirements for a 374  
high school diploma under section 3313.61, 3313.612, or 3325.08 375  
of the Revised Code or under Section 3 of H.B. 491 of the 132nd 376  
General Assembly, as of March 17, 2020. 377

(2) A city, exempted village, local, or municipal school 378  
district, a community school, a STEM school, a chartered 379  
nonpublic school, the State School for the Blind, and the State 380  
School for the Deaf shall grant a high school diploma to any 381  
student to whom this section applies, if the student's 382  
principal, in consultation with teachers and counselors, reviews 383  
the student's progress toward meeting the requirements for a 384  
diploma and determines that the student has successfully 385  
completed the curriculum in the student's high school or the 386  
individualized education program developed for the student by 387  
the student's high school pursuant to section 3323.08 of the 388  
Revised Code, or qualified under division (D) or (F) of section 389  
3313.603 of the Revised Code, at the time the student's school 390  
closed pursuant to the Director of Health's order under section 391  
3701.13 of the Revised Code "In Re: Order the Closure of All K- 392  
12 Schools in the State of Ohio" issued on March 14, 2020. No 393  
district or school shall grant a high school diploma under 394  
division (D) (2) of this section after September 30, 2020. 395

(3) If the board of education of a school district or the 396

governing authority of a community school, STEM school, 397  
chartered nonpublic school, the State School for the Blind, or 398  
the State School for the Deaf has adopted a resolution under 399  
division (E) of section 3313.603 of the Revised Code requiring a 400  
more challenging curriculum than otherwise required under 401  
division (C) of that section, the district superintendent or the 402  
chief administrator of the school may elect to require only the 403  
minimum curriculum specified in division (C) of that section for 404  
the purpose of determining if a student to whom division (D) of 405  
this section applies has successfully completed the curriculum 406  
under division (D) (2) of this section. If such an election is 407  
made, the superintendent or chief administrator shall evaluate 408  
each student to whom division (D) of this section applies using 409  
the minimum curriculum specified in division (C) of this 410  
section. 411

(4) It is the intent of the General Assembly that school 412  
districts and other public and private schools do both of the 413  
following: 414

(a) Continue to provide ways to keep students actively 415  
engaged in learning opportunities between March 17, 2020, and 416  
the remainder of the school year; 417

(b) Grant students who need in-person instructional 418  
experiences to complete requirements for a diploma or a career- 419  
technical education program access to school facilities as soon 420  
as it is reasonably possible after the Director of Health 421  
permits such access to resume, even if the last instructional 422  
day of the school year has already passed. 423

(E) For the purpose of teacher evaluations conducted under 424  
sections 3319.111 and 3319.112 of the Revised Code, no school 425  
district board of education shall use value-added progress 426

dimension data, established under section 3302.021 of the 427  
Revised Code, from the 2019-2020 school year to measure student 428  
learning attributable to the teacher being evaluated. 429

(F) (1) For community school sponsor evaluations required 430  
under section 3314.016 of the Revised Code, the Department shall 431  
not issue a rating for the components under division (B) (1) of 432  
that section to any sponsor, nor shall the Department issue an 433  
overall rating for the sponsor. The Department shall allow a 434  
sponsor to indicate that it could not comply with an applicable 435  
law or administrative rule or fully adhere to a quality practice 436  
because the required action was unable to be completed due to 437  
the Director of Health's order under section 3701.13 of the 438  
Revised Code "In Re: Order the Closure of All K-12 Schools in 439  
the State of Ohio" issued on March 14, 2020, any local board of 440  
health order, or any extension of an order. 441

(2) The absence of community school sponsor ratings for 442  
the 2019-2020 school year shall have no effect in determining 443  
sanctions or penalties of a sponsor under Chapter 3314. of the 444  
Revised Code and shall not create a new starting point for 445  
determinations that are based on ratings over multiple years. 446  
The sponsor ratings of any previous or subsequent school years 447  
shall be considered when a sponsor is subject to sanctions or 448  
penalties under that chapter. A sponsor shall remain eligible in 449  
the 2020-2021 school year for any incentives that the sponsor 450  
was eligible for in the 2019-2020 school year, and the 2019-2020 451  
school year shall not count toward the number of years in which 452  
a sponsor subject to division (B) (7) (b) of section 3314.016 of 453  
the Revised Code is not required to be evaluated. 454

(G) The Superintendent of Public Instruction may waive the 455  
requirement to complete any report prescribed by law that is 456



based on data from assessments that would have been but were not 457  
administered during the 2019-2020 school year pursuant to 458  
division (A) of this section. 459

(H) The Department, on behalf of the State Board of 460  
Education, may issue a one-year, nonrenewable provisional 461  
license to any individual to practice in any category, type, and 462  
level for which the State Board issues a license pursuant to 463  
Title XXXVIII of the Revised Code, if the individual has met all 464  
requirements for the requested license except for the 465  
requirement to pass an examination prescribed by the State Board 466  
in the subject area for which application is being made. Any 467  
individual to whom a provisional license is issued under this 468  
division shall take and pass the appropriate subject area 469  
examination prior to expiration of the license as a condition of 470  
advancing the license in the appropriate category, type, and 471  
level. The Department shall not issue a provisional license 472  
under this division that is valid on or after July 1, 2021. 473

(I) The Superintendent of Public Instruction may extend or 474  
waive any deadline for an action required of the State Board of 475  
Education, the Department of Education, or any person or entity 476  
licensed or regulated by the State Board or Department during 477  
the duration of the Director of Health's order under section 478  
3701.13 of the Revised Code "In re: Order the Closure of All K- 479  
12 Schools in the State of Ohio" issued on March 14, 2020, or 480  
any local board of health order, and any extension of any order, 481  
based on the implications of COVID-19, as necessary to ensure 482  
that the safety of students, families, and communities are 483  
prioritized while continuing to ensure the efficient operation 484  
of the Department and public and private schools in this state. 485  
Deadlines that may be extended or waived by the State 486  
Superintendent include, but are not limited to, deadlines 487

related to the following:	488
(1) The conduct of evaluations for school personnel under Chapter 3319. of the Revised Code;	489 490
(2) Notice of intent not to reemploy school personnel under Chapter 3319. Of the Revised Code;	491 492
(3) The conduct of school safety drills under section 3737.73 of the Revised Code;	493 494
(4) The emergency management test required by division (E) of section 3313.536 of the Revised Code;	495 496
(5) The filling of a vacancy in a board of education;	497
(6) Updating of teacher evaluation policies to conform with the framework for evaluation of teachers adopted under section 3319.112 of the Revised Code;	498 499 500
(7) Identification and screening of gifted students under Chapter 3324. of the Revised Code.	501 502
(J) Notwithstanding anything in the Revised Code or Administrative Code to the contrary, <u>for the 2019-2020, 2020-2021, and 2021-2022 school years only,</u> 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.	503 504 505 506 507 508 509 510 511
(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	512 513 514 515

Program authorized under section 3313.902 of the Revised Code, 516  
and rules adopted thereunder, to ensure that the providers have 517  
maximum flexibility to assist students whose progress in the 518  
program has been affected by the Director of Health's order to 519  
complete the requirements to earn a high school diploma. For 520  
this purpose, the State Superintendent may waive or extend 521  
deadlines, or otherwise grant providers and students 522  
flexibility, for completion of program requirements. 523

(L) No school district shall require the parent of any 524  
student who was instructed at home in accordance with section 525  
3321.04 of the Revised Code for the 2019-2020 school year to 526  
submit to the district superintendent the academic assessment 527  
report required under rule 3301-34-04 of the Administrative Code 528  
as a condition of the district allowing the student to continue 529  
to receive home instruction for the 2020-2021 school year. 530

(M) Notwithstanding anything in the Revised Code to the 531  
contrary, the board of education of any school district that, 532  
prior to the Director of Health's order under section 3701.13 of 533  
the Revised Code "In re: Order the Closure of All K-12 Schools 534  
in the State of Ohio" issued on March 14, 2020, had not 535  
completed an evaluation that was required under Chapter 3319. of 536  
the Revised Code for the 2019-2020 school year for an employee 537  
of the district, including a teacher, administrator, or 538  
superintendent, may elect not to conduct an evaluation of the 539  
employee for that school year, if the district board determines 540  
that it would be impossible or impracticable to do so. If a 541  
district board elects not to evaluate an employee for the 2019- 542  
2020 school year, the employee shall be considered not to have 543  
had evaluation procedures complied with pursuant to section 544  
3319.111 of the Revised Code for purposes of section 3319.11 of 545  
the Revised Code. The district board may collaborate with any 546

bargaining organization representing employees of the district 547  
in determining whether to complete evaluations for the 2019-2020 548  
school year. Nothing in this section shall preclude a district 549  
board from using an evaluation completed prior to the Director 550  
of Health's order in employment decisions. 551

**Section 2.** That existing Sections 10, 11 (as amended by 552  
H.B. 614 of the 133rd General Assembly), 12, 13, and 17 (as 553  
amended by H.B. 164 of the 133rd General Assembly) of H.B. 197 554  
of the 133rd General Assembly are hereby repealed. 555

**Section 3.** That Sections 10 and 11 of H.B. 164 of the 556  
133rd General Assembly be amended to read as follows: 557

**Sec. 10.** Notwithstanding anything to the contrary in 558  
sections 3319.02, 3319.111, ~~and 3319.112,~~ and 3319.113 of the 559  
Revised Code, a school district board of education shall not use 560  
value-added progress dimension data established under section 561  
3302.021 of the Revised Code, any other high-quality student 562  
data as defined by the state board of education under section 563  
3319.112 of the Revised Code, any other metric used to evaluate 564  
positive student outcomes as described under section 3319.113 of 565  
the Revised Code, or any other student academic growth data to 566  
measure student learning attributable to a teacher ~~or,~~ 567  
principal, or school counselor while conducting performance 568  
evaluations under sections 3319.02, 3319.111, ~~and 3319.112,~~ and 569  
3319.113 of the Revised Code for the 2020-2021 or 2021-2022 570  
school year. Rather, a district board shall use only the other 571  
evaluation factors and components prescribed under sections 572  
3319.02, 3319.111, ~~and 3319.112,~~ and 3319.113 of the Revised 573  
Code to conduct a teacher's ~~or,~~ principal's, or school 574  
counselor's performance evaluation under those sections for that 575  
school year. Nothing in this section shall be construed to 576

prohibit a district board from considering as part of a 577  
teacher's ~~or, principal's, or school counselor's~~ evaluation how 578  
that teacher ~~or, principal, or school counselor~~ collects, 579  
analyzes, and uses student data, including student academic 580  
growth data or positive student outcomes data, to adapt 581  
instruction to meet individual student needs or to improve the 582  
teacher's ~~or, principal's, or student counselor's~~ practice. 583

**Sec. 11.** Notwithstanding anything to the contrary in 584  
section 3319.02 of the Revised Code, a school district board of 585  
education may choose to complete the performance evaluation of a 586  
principal for the 2019-2020 and 2020-2021 school ~~year~~ years 587  
under that section without a student growth measure as part of 588  
the evaluation. 589

**Section 4.** That existing Sections 10 and 11 of H.B. 164 of 590  
the 133rd General Assembly are hereby repealed. 591

**Section 5.** That Section 7 of S.B. 216 of the 132nd General 592  
Assembly (as amended by H.B. 164 of the 133rd General Assembly) 593  
be amended to read as follows: 594

**Sec. 7.** Notwithstanding the amendment or repeal of 595  
sections 3319.111, 3319.112, and 3319.114 of the Revised Code by 596  
S.B. 216 of the 132nd General Assembly, for the 2018-2019 ~~and,~~ 597  
2019-2020, and 2020-2021 school years, the following shall 598  
apply: 599

(A) Each school district, other than a district 600  
participating in the pilot program established under Section 6 601  
of S.B. 216 of the 132nd General Assembly, shall conduct teacher 602  
evaluations in accordance with those sections as they existed 603  
prior to November 2, 2018, except that if the district board of 604  
education, in the 2019-2020 or 2020-2021 school year, chooses to 605

complete an evaluation for a teacher to whom division (C) (2) (a) 606  
or (b) of section 3319.111 of the Revised Code applies without a 607  
student growth measure as part of the evaluation, the board may 608  
continue to evaluate that teacher every three or two years, 609  
respectively. Any teacher who did not have a student academic 610  
growth measure as part of the teacher's evaluation for the 2019- 611  
2020 or 2020-2021 school year shall remain at the same point in 612  
the teacher's evaluation cycle, and shall retain the same 613  
evaluation rating, for the 2020-2021 and 2021-2022 school ~~year-~~ 614  
years as for the 2019-2020 school year. 615

(B) Each state agency that employs teachers shall conduct 616  
teacher evaluations in accordance with its teacher evaluation 617  
policy developed under former division (E) of section 3319.112 618  
of the Revised Code, as it existed prior to November 2, 2018. 619

(C) Any reference in law to evaluations conducted under 620  
section 3319.111 of the Revised Code shall be construed to 621  
include evaluations conducted as required by this section. 622

(D) References to "evaluation procedures" in section 623  
3319.11 of the Revised Code shall be construed to include the 624  
evaluation procedures required by this section. 625

**Section 6.** That existing Section 7 of S.B. 216 of the 626  
132nd General Assembly (as amended by H.B. 164 of the 133rd 627  
General Assembly) is hereby repealed. 628

**Section 7.** That Section 27 of H.B. 481 of the 133rd 629  
General Assembly (as amended by H.B. 614 of the 133rd General 630  
Assembly) be amended to read as follows: 631

**Sec. 27.** (A) For the purpose of this section: 632

(1) "Subdivision" means a county, township, or municipal 633  
corporation, and does not include a park district. 634

(2) "Ineligible subdivision" means a county or municipal corporation receiving a direct payment under section 5001 of the "Coronavirus Aid, Relief, and Economic Security Act," as described in 42 U.S.C. 801(b) (2).

(3) "2019 LGF allocation" means the amount that would have been deposited to a county's county undivided local government fund in 2019 disregarding any reduction under section 5747.502 of the Revised Code and excluding any amounts deposited in that fund that were paid in that year to ineligible subdivisions or pursuant to section 5747.503 of the Revised Code.

(4) "2019 CULGF allocation" means the amount of funds from a county's county undivided local government fund a subdivision would have received in 2019 under section 5747.51 or 5747.53 of the Revised Code disregarding any reduction under section 5747.502 of the Revised Code and any adjustment because the subdivision, pursuant to an ordinance or resolution, elected to forgo all or a portion of its share of such funds.

(5) "Population" means the most recent population estimate published by the Development Services Agency and based on the American Community Survey, as published by the United States Census Bureau. The population of a township includes only the population of the township's unincorporated area.

(B) As soon as is practicable after the effective date of this section, the Director of Budget and Management, in consultation with the Tax Commissioner, shall provide for payment from the Coronavirus Relief Fund to each county treasury, to be deposited into a new fund in the county treasury to be named the county coronavirus relief distribution fund, which the county auditor shall create for this purpose. The amount of the payment to each county coronavirus relief

distribution fund shall equal the amount appropriated under 665  
Section 28 of this act multiplied by a fraction, the numerator 666  
of which is the 2019 LGF allocation for that county and the 667  
denominator of which is the sum of the 2019 LGF allocations for 668  
all counties. 669

(C) Within seven days of deposit in the county coronavirus 670  
relief distribution fund of the payment described in division 671  
(B) of this section, the county auditor shall distribute that 672  
money to the county, unless the county is an ineligible 673  
subdivision, and to each municipal corporation and township that 674  
is not an ineligible subdivision, in an amount equal to the 675  
amount of money in that fund multiplied by a fraction, the 676  
numerator of which equals the subdivision's 2019 CULGF 677  
allocation and the denominator of which equals the sum of the 678  
2019 CULGF allocations from that county's county undivided local 679  
government fund for all such subdivisions. 680

Upon making the distribution, the county auditor shall 681  
report to the Director of Budget and Management the amount 682  
distributed to each subdivision. The report shall be made in the 683  
manner prescribed by the Director. 684

(D) To be eligible to receive a payment under division (C) 685  
of this section, the legislative authority of a county, 686  
township, or municipal corporation must adopt a resolution or 687  
ordinance affirming that the funds so received may be expended 688  
only to cover costs of the subdivision consistent with the 689  
requirements of section 5001 of the "Coronavirus Aid, Relief, 690  
and Economic Security Act," as described in 42 U.S.C. 801(d), 691  
and any applicable regulations. Subject to division (F) of this 692  
section, until the legislative authority adopts this resolution 693  
or ordinance, the subdivision's share of the money from the 694



county coronavirus relief distribution fund shall remain in that 695  
fund. The legislative authority shall certify a copy of the 696  
resolution or ordinance to the county auditor and the Director 697  
of Budget and Management. 698

(E) Money received under division (C) of this section by a 699  
subdivision shall be deposited into a new fund in the 700  
subdivision's treasury to be named the local coronavirus relief 701  
fund, which the subdivision's fiscal officer shall create for 702  
this purpose. Money in that fund shall be used to cover only 703  
costs of the subdivision consistent with the requirements of 704  
section 5001 of the "Coronavirus Aid, Relief, and Economic 705  
Security Act," as described in 42 U.S.C. 801(d). Money in a 706  
subdivision's local coronavirus relief fund shall be audited by 707  
the Auditor of State during the subdivision's next regular audit 708  
under section 117.11 of the Revised Code to determine whether 709  
money in the fund has been expended in accordance with the 710  
requirements of this section. 711

(F) (1) Not later than November 20, 2020, the fiscal 712  
officer of each subdivision shall pay the unencumbered balance 713  
of money in the subdivision's local coronavirus relief fund to 714  
the county treasurer, who shall deposit this revenue in the 715  
county coronavirus relief distribution fund. If the subdivision 716  
is located within more than one county, the subdivision's fiscal 717  
officer shall apportion and pay the unencumbered balance of 718  
money in the fund among the counties in which it is located 719  
proportionally, based on the cumulative amount of money the 720  
subdivision received from each such county's coronavirus relief 721  
distribution fund under division (C) of this section, division 722  
(C) of Section 4 of H.B. 614 of the 133rd General Assembly, and 723  
any other appropriations approved by the Controlling Board. On 724  
or before November 25, 2020, the county auditor shall distribute 725

all money to the credit of the county coronavirus relief 726  
distribution fund to the county and to each municipal 727  
corporation and township fully or partially located within that 728  
county, unless the subdivision is an ineligible subdivision or 729  
paid an unencumbered balance to the treasurer under this 730  
division or the subdivision's legislative authority has not 731  
adopted the resolution or ordinance required under division (D) 732  
of this section. Subject to ~~division~~divisions (F) (2) and (3) of 733  
this section, the money shall be distributed as follows: 734

(a) Twenty-five per cent of the money to the county if it 735  
qualifies for a distribution under division (F) (1) of this 736  
section; 737

(b) The remaining balance to each such qualifying 738  
municipal corporation or township, of which the distribution to 739  
each shall equal the amount of the remaining balance multiplied 740  
by a fraction, the numerator of which is the population of the 741  
municipal corporation or the township, and the denominator of 742  
which is the sum of the populations of all such municipal 743  
corporations and townships in the county that qualify for a 744  
distribution under division (F) (1) of this section. Only the 745  
portion of a municipal corporation's or township's population 746  
that resides in the county shall be included in computing that 747  
numerator and denominator. 748

(2) If fewer than twenty-five per cent of the municipal 749  
corporations and townships with a population that resides in a 750  
county qualify for a distribution under division (F) (1) of this 751  
section, "fifty per cent" shall be substituted for "twenty-five 752  
per cent" in computing the amount of money to be distributed to 753  
the county under division (F) (1) (a) of this section if the 754  
county qualifies for such a distribution. 755

(3) Any money in a county coronavirus relief distribution 756  
fund that cannot be distributed under division (F) (1) of this 757  
section because no subdivision qualifies for a distribution, or 758  
because only the county qualifies for a distribution, shall be 759  
paid to the state treasury in the manner prescribed by the 760  
Director of Budget and Management. 761

(4) Money received by a subdivision under division (F) (1) 762  
of this section shall be deposited in the subdivision's local 763  
coronavirus relief fund and used as required under division (E) 764  
of this section. 765

~~(4)~~ (5) Upon making the distribution under division (F) (1) 766  
of this section, the county auditor shall report to the Director 767  
of Budget and Management the amount of the unencumbered balance 768  
paid to the county treasury by each subdivision making such a 769  
payment and the amount distributed to each subdivision receiving 770  
a distribution under this division. If no subdivision made such 771  
a payment to the county treasury, the auditor shall report that 772  
no such payments were made. The report shall be made in the 773  
manner prescribed by the Director. 774

(G) Not later than February 1, 2021, the fiscal officer of 775  
each subdivision shall pay the unexpended balance of money in 776  
the subdivision's local coronavirus relief fund to the state 777  
treasury in the manner prescribed by the Director of Budget and 778  
Management. This division does not authorize any subdivision to 779  
use money in its local coronavirus relief fund for expenses 780  
incurred after December 30, 2020. A subdivision's local 781  
coronavirus relief fund may be held open during the period 782  
beginning December 31, 2020, and ending February 1, 2021, only 783  
for account reconciliation and other similar purposes. 784

(H) A county, municipal corporation, or township receiving 785

a payment from a county coronavirus relief distribution fund 786  
under this section shall, upon request, provide any information 787  
related to those payments or their expenditure to the Director 788  
of Budget and Management. 789

**Section 8.** That existing Section 27 of H.B. 481 of the 790  
133rd General Assembly (as amended by H.B. 614 of the 133rd 791  
General Assembly) is hereby repealed. 792

**Section 9.** The amendment by this act of Section 27 of H.B. 793  
481 of the 133rd General Assembly applies to all amounts 794  
distributed to a county coronavirus relief distribution fund 795  
under that Section or Section 4 of H.B. 614 of the 133rd General 796  
Assembly, including appropriations in Section 28 of H.B. 481 of 797  
the 133rd General Assembly and Section 8 of H.B. 614 of the 798  
133rd General Assembly, as well as all appropriations approved 799  
by the Controlling Board and distributed to such a fund before, 800  
on, or after the effective date of this section. 801

**Section 10.** (A) As used in this section: 802

(1) "Administer state assessments" means administering any 803  
of the following: 804

(a) The third-grade English language arts assessment 805  
prescribed under division (A)(1)(a) of section 3301.0710 of the 806  
Revised Code; 807

(b) Diagnostic assessments as prescribed under sections 808  
3301.079, 3301.0715, 3301.163, and 3313.608 of the Revised Code; 809

(c) The Kindergarten Readiness Assessment in accordance 810  
with sections 3301.0715 and 3301.079 of the Revised Code. 811

(2) "District or school" means any of the following: 812

(a) A city, local, exempted village, or municipal school 813

district; 814

(b) A community school established under Chapter 3314. of 815  
the Revised Code; 816

(c) A STEM school established under Chapter 3326. of the 817  
Revised Code; 818

(d) The State School for the Deaf; 819

(e) The State School for the Blind; 820

(f) A chartered nonpublic school as defined in section 821  
3310.01 of the Revised Code. 822

(B) Notwithstanding anything in the Revised Code to the 823  
contrary, for the 2020-2021 school year only, a district or 824  
school shall not be penalized for failing to administer state 825  
assessments in the fall of the 2020-2021 school year to a 826  
particular student if any of the following applies to that 827  
student: 828

(1) The student is being quarantined. 829

(2) The student, or a member of the student's family, is 830  
medically compromised and the student cannot attend school, or 831  
another physical location outside of the home, for testing. 832

(3) The student resides in a geographic area that is 833  
subject to an order issued by the Governor, the Department of 834  
Health, or the board of health of a city or general health 835  
district that requires all persons in that area to remain in 836  
their residences. 837

(4) The student is receiving instruction primarily through 838  
a remote learning model up through the deadline for the 839  
prescribed assessments, and the assessments cannot be 840

administered remotely. 841

(C) Division (B) of this section shall not be construed as 842  
prohibiting a district or school from administering state 843  
assessments if it elects to do so. 844

**Section 11.** (A) As used in this section: 845

(1) "Public school" means any of the following: 846

(a) A city, local, exempted village, or municipal school 847  
district; 848

(b) A community school established under Chapter 3314. of 849  
the Revised Code; 850

(c) A STEM school established under Chapter 3326. of the 851  
Revised Code. 852

(2) "Qualifying student" means a student to whom any of 853  
the following applies: 854

(a) The student is being quarantined. 855

(b) The student, or a member of the student's family, is 856  
medically compromised and the student cannot attend school, or 857  
another physical location outside of the home, for the 858  
screening. 859

(c) The student resides in a geographic area that is 860  
subject to an order issued by the Governor, the Department of 861  
Health, or the board of health of a city or general health 862  
district that requires all persons in that area to remain in 863  
their residences. 864

(d) The student is receiving instruction primarily through 865  
a remote learning model, and the required screenings cannot be 866  
administered remotely. 867

(B) Notwithstanding anything to the contrary in section 868  
3313.673 of the Revised Code, for the 2020-2021 school year 869  
only, all of the following shall apply: 870

(1) No public school shall be penalized for failing to 871  
conduct health screenings of a kindergarten or first grade 872  
student in accordance with section 3313.673 of the Revised Code 873  
prior to November 1, 2020, if that student was a qualifying 874  
student prior to that date. 875

(2) Each public school shall conduct health screenings 876  
prescribed under section 3313.673 of the Revised Code for 877  
kindergarten and first grade students who did not receive 878  
screenings in accordance with that section for the 2020-2021 879  
school year prior to the effective date of this section, except 880  
the school may forego screenings until they can be conducted 881  
safely for a particular student if that student is a qualifying 882  
student. 883

(3) The parent, guardian, or custodian of a kindergarten 884  
or first grade student who is enrolled in a public school and 885  
who has not received a health screening prescribed under section 886  
3313.673 of the Revised Code for the 2020-2021 school year may 887  
request that the school conduct that screening. Upon receiving 888  
the request of the parent, guardian, or custodian, the public 889  
school shall conduct the screening. A public school shall not 890  
deny the request of parent, guardian, or custodian of a 891  
qualifying student. 892

**Section 12.** Section 10 of H.B. 164 of the 133rd General 893  
Assembly, as amended by this act, and division (E) of Section 17 894  
of H.B. 197 of the 133rd General Assembly, as amended by H.B. 895  
164 of the 133rd General Assembly, shall be construed as acting 896  
in concert with each other and shall not be construed as 897

conflicting with each other. 898

**Section 13.** Notwithstanding anything in the Revised Code 899  
or Administrative Code to the contrary, for the 2020-2021 school 900  
year only, the board of education of any school district that, 901  
on or before the effective date of this section, has not 902  
completed an evaluation that is required under Chapter 3319. of 903  
the Revised Code for that school year for an employee of the 904  
district, including a teacher, school counselor, administrator, 905  
or superintendent, may elect not to conduct an evaluation of the 906  
employee for that school year, if the district board determines 907  
that it would be impossible or impracticable to do so. If a 908  
district board elects not to evaluate an employee for the 2020- 909  
2021 school year, the employee shall be considered not to have 910  
had evaluation procedures complied with pursuant to section 911  
3319.111 of the Revised Code for purposes of section 3319.11 of 912  
the Revised Code. The district board may collaborate with any 913  
bargaining organization representing employees of the district 914  
in determining whether to complete evaluations for the 2020-2021 915  
school year. Nothing in this section shall preclude a district 916  
board from using an evaluation completed prior to the effective 917  
date of this section in employment decisions. 918

**Section 14.** Notwithstanding any provision of the Revised 919  
Code to the contrary, for the 2020-2021 school year only, the 920  
governing authority of a community school established under 921  
Chapter 3314. of the Revised Code, by December 31, 2020, may 922  
submit written notification to a school district board of 923  
education stating that the governing authority is accepting 924  
responsibility to provide or arrange for transportation of the 925  
district's "native students," as defined in section 3314.09 of 926  
the Revised Code, to and from the community school in accordance 927  
with section 3314.091 of the Revised Code. The governing 928



authority of a community school that accepts responsibility to 929  
provide or arrange for transportation pursuant to this section 930  
shall receive state funding for the entire 2020-2021 school year 931  
in accordance with division (D) of section 3314.091 of the 932  
Revised Code. 933

**Section 15.** This act is hereby declared to be an emergency 934  
measure necessary for the immediate preservation of the public 935  
peace, health, and safety. The reason for such necessity is to 936  
continue essential operation of various facets of state and 937  
local government and respond to the declared pandemic and global 938  
health emergency related to COVID-19. Therefore, this act shall 939  
go into immediate effect. 940