

As Reported by the Senate Education Committee

133rd General Assembly

Regular Session

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Sub. H. B. No. 164

Representative Ginter

Cosponsors: Representatives Dean, Becker, Koehler, Schaffer, Riedel, Stoltzfus, Romanchuk, Smith, R., Carfagna, Lang, Merrin, Hood, Lipps, LaTourette, Ryan, Greenspan, Keller, Seitz, Jones, Smith, T., Baldrige, Butler, Cross, DeVitis, Fraizer, Ghanbari, Green, Holmes, A., Hoops, Jordan, Kick, McClain, Patton, Perales, Richardson, Scherer, Stein, Stephens, Swearingen

Senators Brenner, Huffman, S.

A BILL

To amend sections 3313.601, 3314.02, 3314.03,	1
3326.11, 3328.24, and 3781.1010 and to enact	2
sections 3320.01, 3320.02, 3320.03, and 3323.10	3
of the Revised Code and to amend Sections	4
265.210 and 265.335 of H.B. 166 of the 133rd	5
General Assembly, as subsequently amended,	6
Sections 16 and 17 of H.B. 197 of the 133rd	7
General Assembly, and Section 7 of S.B. 216 of	8
the 132nd General Assembly regarding student	9
religious expression, regarding retention under	10
the Third Grade Reading Guarantee for the 2020-	11
2021 school year, to make changes to education	12
law for the 2020-2021 school year in response to	13
implications of COVID-19, to require the	14
Department of Education to make an additional	15
payment in fiscal year 2020 or 2021 to certain	16
city, local, exempted village, and joint	17
vocational school districts that experience a	18
decrease in the taxable value of the district's	19

utility tangible personal property and have at 20
least one power plant in their territories, to 21
permit a person to serve on more than five 22
community school governing authorities under 23
certain conditions, to extend until November 30, 24
2022, the moratorium on the building code 25
requirement for storm shelters for school 26
construction projects, to make changes regarding 27
the Quality Community School Support Program, to 28
provide an additional payment for fiscal year 29
2020 to school districts that experience a 30
specified reduction in funding, to entitle the 31
act the "Ohio Student Religious Liberties Act of 32
2019," to make an appropriation, and to declare 33
an emergency. 34

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

Section 1. That sections 3313.601, 3314.02, 3314.03, 35
3326.11, 3328.24, and 3781.1010 be amended and sections 3320.01, 36
3320.02, 3320.03, and 3323.10 of the Revised Code be enacted to 37
read as follows: 38

Sec. 3313.601. The board of education of each school 39
district may provide for a moment of silence each school day for 40
prayer, reflection, or meditation upon a moral, philosophical, 41
or patriotic theme. No board of education, school, or employee 42
of the school district shall require a pupil to participate in a 43
moment of silence provided for pursuant to this section. No 44
board of education shall prohibit a classroom teacher from 45
providing in the teacher's classroom reasonable periods of time 46

for activities of a moral, philosophical, or patriotic theme. No 47
pupil shall be required to participate in such activities if 48
they are contrary to the religious convictions of the pupil or 49
the pupil's parents or guardians. 50

No board of education of a school district shall adopt any 51
policy or rule respecting or promoting an establishment of 52
religion or prohibiting any pupil from the free, individual, and 53
voluntary exercise or expression of the pupil's religious 54
beliefs in any primary or secondary school. ~~The board of~~ 55
~~education may limit the exercise or expression of the pupil's~~ 56
~~religious beliefs as described in this section to lunch periods~~ 57
~~or other noninstructional time periods when pupils are free to~~ 58
~~associate.~~ 59

Sec. 3314.02. (A) As used in this chapter: 60

(1) "Sponsor" means the board of education of a school 61
district or the governing board of an educational service center 62
that agrees to the conversion of all or part of a school or 63
building under division (B) of this section, or an entity listed 64
in division (C) (1) of this section, which has been approved by 65
the department of education to sponsor community schools or is 66
exempted by section 3314.021 or 3314.027 of the Revised Code 67
from obtaining approval, and with which the governing authority 68
of a community school enters into a contract under section 69
3314.03 of the Revised Code. 70

(2) "Pilot project area" means the school districts 71
included in the territory of the former community school pilot 72
project established by former Section 50.52 of Am. Sub. H.B. No. 73
215 of the 122nd general assembly. 74

(3) "Challenged school district" means any of the 75

following:	76
(a) A school district that is part of the pilot project area;	77 78
(b) A school district that meets one of the following conditions:	79 80
(i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;	81 82 83 84
(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code;	85 86 87 88 89
(iii) For the 2016-2017 school year and for any school year thereafter, the district has received an overall grade of "D" or "F" under division (C) (3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C) (1) (e) of that section.	90 91 92 93 94 95 96
(c) A big eight school district;	97
(d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code.	98 99 100
(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:	101 102
(a) A percentage of children residing in the district and	103

participating in the predecessor of Ohio works first greater 104
than thirty per cent, as reported pursuant to section 3317.10 of 105
the Revised Code; 106

(b) An average daily membership greater than twelve 107
thousand, as reported pursuant to former division (A) of section 108
3317.03 of the Revised Code. 109

(5) "New start-up school" means a community school other 110
than one created by converting all or part of an existing public 111
school or educational service center building, as designated in 112
the school's contract pursuant to division (A)(17) of section 113
3314.03 of the Revised Code. 114

(6) "Urban school district" means one of the state's 115
twenty-one urban school districts as defined in division (O) of 116
section 3317.02 of the Revised Code as that section existed 117
prior to July 1, 1998. 118

(7) "Internet- or computer-based community school" means a 119
community school established under this chapter in which the 120
enrolled students work primarily from their residences on 121
assignments in nonclassroom-based learning opportunities 122
provided via an internet- or other computer-based instructional 123
method that does not rely on regular classroom instruction or 124
via comprehensive instructional methods that include internet- 125
based, other computer-based, and noncomputer-based learning 126
opportunities unless a student receives career-technical 127
education under section 3314.086 of the Revised Code. 128

A community school that operates mainly as an internet- or 129
computer-based community school and provides career-technical 130
education under section 3314.086 of the Revised Code shall be 131
considered an internet- or computer-based community school, even 132

if it provides some classroom-based instruction, so long as it 133
provides instruction via the methods described in this division. 134

(8) "Operator" or "management company" means either of the 135
following: 136

(a) An individual or organization that manages the daily 137
operations of a community school pursuant to a contract between 138
the operator or management company and the school's governing 139
authority; 140

(b) A nonprofit organization that provides programmatic 141
oversight and support to a community school under a contract 142
with the school's governing authority and that retains the right 143
to terminate its affiliation with the school if the school fails 144
to meet the organization's quality standards. 145

(9) "Alliance municipal school district" has the same 146
meaning as in section 3311.86 of the Revised Code. 147

(B) (1) Any person or group of individuals may initially 148
propose under this division the conversion of all or a portion 149
of a public school to a community school. The proposal shall be 150
made to the board of education of the city, local, exempted 151
village, or joint vocational school district in which the public 152
school is proposed to be converted. 153

(2) Any person or group of individuals may initially 154
propose under this division the conversion of all or a portion 155
of a building operated by an educational service center to a 156
community school. The proposal shall be made to the governing 157
board of the service center. 158

On or after July 1, 2017, except as provided in section 159
3314.027 of the Revised Code, any educational service center 160
that sponsors a community school shall be approved by and enter 161

into a written agreement with the department as described in 162
section 3314.015 of the Revised Code. 163

(3) Upon receipt of a proposal, and after an agreement has 164
been entered into pursuant to section 3314.015 of the Revised 165
Code, a board may enter into a preliminary agreement with the 166
person or group proposing the conversion of the public school or 167
service center building, indicating the intention of the board 168
to support the conversion to a community school. A proposing 169
person or group that has a preliminary agreement under this 170
division may proceed to finalize plans for the school, establish 171
a governing authority for the school, and negotiate a contract 172
with the board. Provided the proposing person or group adheres 173
to the preliminary agreement and all provisions of this chapter, 174
the board shall negotiate in good faith to enter into a contract 175
in accordance with section 3314.03 of the Revised Code and 176
division (C) of this section. 177

(4) The sponsor of a conversion community school proposed 178
to open in an alliance municipal school district shall be 179
subject to approval by the department of education for 180
sponsorship of that school using the criteria established under 181
division (A) of section 3311.87 of the Revised Code. 182

Division (B) (4) of this section does not apply to a 183
sponsor that, on or before September 29, 2015, was exempted 184
under section 3314.021 or 3314.027 of the Revised Code from the 185
requirement to be approved for sponsorship under divisions (A) 186
(2) and (B) (1) of section 3314.015 of the Revised Code. 187

(5) A school established in accordance with division (B) 188
of this section that later enters into a sponsorship contract 189
with an entity that is not a school district or educational 190
service center shall, at the time of entering into the new 191

contract, be deemed a community school established in accordance 192
with division (C) of this section. 193

(C) (1) Any person or group of individuals may propose 194
under this division the establishment of a new start-up school 195
to be located in a challenged school district. The proposal may 196
be made to any of the following entities: 197

(a) The board of education of the district in which the 198
school is proposed to be located; 199

(b) The board of education of any joint vocational school 200
district with territory in the county in which is located the 201
majority of the territory of the district in which the school is 202
proposed to be located; 203

(c) The board of education of any other city, local, or 204
exempted village school district having territory in the same 205
county where the district in which the school is proposed to be 206
located has the major portion of its territory; 207

(d) The governing board of any educational service center, 208
regardless of the location of the proposed school, may sponsor a 209
new start-up school in any challenged school district in the 210
state if all of the following are satisfied: 211

(i) If applicable, it satisfies the requirements of 212
division (E) of section 3311.86 of the Revised Code; 213

(ii) It is approved to do so by the department; 214

(iii) It enters into an agreement with the department 215
under section 3314.015 of the Revised Code. 216

(e) A sponsoring authority designated by the board of 217
trustees of any of the thirteen state universities listed in 218
section 3345.011 of the Revised Code or the board of trustees 219

itself as long as a mission of the proposed school to be 220
specified in the contract under division (A) (2) of section 221
3314.03 of the Revised Code and as approved by the department 222
under division (B) (3) of section 3314.015 of the Revised Code 223
will be the practical demonstration of teaching methods, 224
educational technology, or other teaching practices that are 225
included in the curriculum of the university's teacher 226
preparation program approved by the state board of education; 227

(f) Any qualified tax-exempt entity under section 501(c) 228
(3) of the Internal Revenue Code as long as all of the following 229
conditions are satisfied: 230

(i) The entity has been in operation for at least five 231
years prior to applying to be a community school sponsor. 232

(ii) The entity has assets of at least five hundred 233
thousand dollars and a demonstrated record of financial 234
responsibility. 235

(iii) The department has determined that the entity is an 236
education-oriented entity under division (B) (4) of section 237
3314.015 of the Revised Code and the entity has a demonstrated 238
record of successful implementation of educational programs. 239

(iv) The entity is not a community school. 240

(g) The mayor of a city in which the majority of the 241
territory of a school district to which section 3311.60 of the 242
Revised Code applies is located, regardless of whether that 243
district has created the position of independent auditor as 244
prescribed by that section. The mayor's sponsorship authority 245
under this division is limited to community schools that are 246
located in that school district. Such mayor may sponsor 247
community schools only with the approval of the city council of 248

that city, after establishing standards with which community 249
schools sponsored by the mayor must comply, and after entering 250
into a sponsor agreement with the department as prescribed under 251
section 3314.015 of the Revised Code. The mayor shall establish 252
the standards for community schools sponsored by the mayor not 253
later than one hundred eighty days after July 15, 2013, and 254
shall submit them to the department upon their establishment. 255
The department shall approve the mayor to sponsor community 256
schools in the district, upon receipt of an application by the 257
mayor to do so. Not later than ninety days after the 258
department's approval of the mayor as a community school 259
sponsor, the department shall enter into the sponsor agreement 260
with the mayor. 261

Any entity described in division (C)(1) of this section 262
may enter into a preliminary agreement pursuant to division (C) 263
(2) of this section with the proposing person or group, provided 264
that entity has been approved by and entered into a written 265
agreement with the department pursuant to section 3314.015 of 266
the Revised Code. 267

(2) A preliminary agreement indicates the intention of an 268
entity described in division (C)(1) of this section to sponsor 269
the community school. A proposing person or group that has such 270
a preliminary agreement may proceed to finalize plans for the 271
school, establish a governing authority as described in division 272
(E) of this section for the school, and negotiate a contract 273
with the entity. Provided the proposing person or group adheres 274
to the preliminary agreement and all provisions of this chapter, 275
the entity shall negotiate in good faith to enter into a 276
contract in accordance with section 3314.03 of the Revised Code. 277

(3) A new start-up school that is established in a school 278

district described in either division (A) (3) (b) or (d) of this 279
section may continue in existence once the school district no 280
longer meets the conditions described in either division, 281
provided there is a valid contract between the school and a 282
sponsor. 283

(4) A copy of every preliminary agreement entered into 284
under this division shall be filed with the superintendent of 285
public instruction. 286

(D) A majority vote of the board of a sponsoring entity 287
and a majority vote of the members of the governing authority of 288
a community school shall be required to adopt a contract and 289
convert the public school or educational service center building 290
to a community school or establish the new start-up school. 291
Beginning September 29, 2005, adoption of the contract shall 292
occur not later than the fifteenth day of March, and signing of 293
the contract shall occur not later than the fifteenth day of 294
May, prior to the school year in which the school will open. The 295
governing authority shall notify the department of education 296
when the contract has been signed. Subject to sections 3314.013 297
and 3314.016 of the Revised Code, an unlimited number of 298
community schools may be established in any school district 299
provided that a contract is entered into for each community 300
school pursuant to this chapter. 301

(E) (1) As used in this division, "immediate relatives" are 302
limited to spouses, children, parents, grandparents, and 303
siblings, as well as in-laws residing in the same household as 304
the person serving on the governing authority. 305

Each new start-up community school established under this 306
chapter shall be under the direction of a governing authority 307
which shall consist of a board of not less than five 308

individuals. 309

(2) (a) No person shall serve on the governing authority or 310
operate the community school under contract with the governing 311
authority under any of the following circumstances: 312

(i) The person owes the state any money or is in a dispute 313
over whether the person owes the state any money concerning the 314
operation of a community school that has closed. 315

(ii) The person would otherwise be subject to division (B) 316
of section 3319.31 of the Revised Code with respect to refusal, 317
limitation, or revocation of a license to teach, if the person 318
were a licensed educator. 319

(iii) The person has pleaded guilty to or been convicted 320
of theft in office under section 2921.41 of the Revised Code, or 321
has pleaded guilty to or been convicted of a substantially 322
similar offense in another state. 323

(b) No person shall serve on the governing authority or 324
engage in the financial day-to-day management of the community 325
school under contract with the governing authority unless and 326
until that person has submitted to a criminal records check in 327
the manner prescribed by section 3319.39 of the Revised Code. 328

(c) Each sponsor of a community school shall annually 329
verify that a finding for recovery has not been issued by the 330
auditor of state against any individual or individuals who 331
propose to create a community school or any member of the 332
governing authority, the operator, or any employee of each 333
community school with responsibility for fiscal operations or 334
authorization to expend money on behalf of the school. 335

(3) No person shall serve on the governing authorities of 336
more than five start-up community schools at the same time 337

unless both of the following apply: 338

(a) The person serves in a volunteer capacity and receives 339
no compensation under division (E) (5) of this section from any 340
governing authority on which the person serves. 341

(b) For any school that has an operator, the operator is a 342
nonprofit organization. 343

(4) (a) For a community school established under this 344
chapter that is not sponsored by a school district or an 345
educational service center, no present or former member, or 346
immediate relative of a present or former member, of the 347
governing authority shall be an owner, employee, or consultant 348
of the community school's sponsor or operator, unless at least 349
one year has elapsed since the conclusion of the person's 350
membership on the governing authority. 351

(b) For a community school established under this chapter 352
that is sponsored by a school district or an educational service 353
center, no present or former member, or immediate relative of a 354
present or former member, of the governing authority shall: 355

(i) Be an officer of the district board or service center 356
governing board that serves as the community school's sponsor, 357
unless at least one year has elapsed since the conclusion of the 358
person's membership on the governing authority; 359

(ii) Serve as an employee of, or a consultant for, the 360
department, division, or section of the sponsoring district or 361
service center that is directly responsible for sponsoring 362
community schools, or have supervisory authority over such a 363
department, division, or section, unless at least one year has 364
elapsed since the conclusion of the person's membership on the 365
governing authority. 366

(5) The governing authority of a start-up or conversion community school may provide by resolution for the compensation of its members. However, no individual who serves on the governing authority of a start-up or conversion community school shall be compensated more than one hundred twenty-five dollars per meeting of that governing authority and no such individual shall be compensated more than a total amount of five thousand dollars per year for all governing authorities upon which the individual serves. Each member of the governing authority may be paid compensation for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars a day for attendance at a training program three hours or less in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length.

(6) No person who is the employee of a school district or educational service center shall serve on the governing authority of any community school sponsored by that school district or service center.

(7) Each member of the governing authority of a community school shall annually file a disclosure statement setting forth the names of any immediate relatives or business associates employed by any of the following within the previous three years:

- (a) The sponsor or operator of that community school;
- (b) A school district or educational service center that has contracted with that community school;
- (c) A vendor that is or has engaged in business with that community school.

(8) No person who is a member of a school district board 396
of education shall serve on the governing authority of any 397
community school. 398

(F) (1) A new start-up school that is established prior to 399
August 15, 2003, in an urban school district that is not also a 400
big-eight school district may continue to operate after that 401
date and the contract between the school's governing authority 402
and the school's sponsor may be renewed, as provided under this 403
chapter, after that date, but no additional new start-up schools 404
may be established in such a district unless the district is a 405
challenged school district as defined in this section as it 406
exists on and after that date. 407

(2) A community school that was established prior to June 408
29, 1999, and is located in a county contiguous to the pilot 409
project area and in a school district that is not a challenged 410
school district may continue to operate after that date, 411
provided the school complies with all provisions of this 412
chapter. The contract between the school's governing authority 413
and the school's sponsor may be renewed, but no additional 414
start-up community school may be established in that district 415
unless the district is a challenged school district. 416

(3) Any educational service center that, on June 30, 2007, 417
sponsors a community school that is not located in a county 418
within the territory of the service center or in a county 419
contiguous to such county may continue to sponsor that community 420
school on and after June 30, 2007, and may renew its contract 421
with the school. However, the educational service center shall 422
not enter into a contract with any additional community school, 423
unless the governing board of the service center has entered 424
into an agreement with the department authorizing the service 425

center to sponsor a community school in any challenged school 426
district in the state. 427

Sec. 3314.03. A copy of every contract entered into under 428
this section shall be filed with the superintendent of public 429
instruction. The department of education shall make available on 430
its web site a copy of every approved, executed contract filed 431
with the superintendent under this section. 432

(A) Each contract entered into between a sponsor and the 433
governing authority of a community school shall specify the 434
following: 435

(1) That the school shall be established as either of the 436
following: 437

(a) A nonprofit corporation established under Chapter 438
1702. of the Revised Code, if established prior to April 8, 439
2003; 440

(b) A public benefit corporation established under Chapter 441
1702. of the Revised Code, if established after April 8, 2003. 442

(2) The education program of the school, including the 443
school's mission, the characteristics of the students the school 444
is expected to attract, the ages and grades of students, and the 445
focus of the curriculum; 446

(3) The academic goals to be achieved and the method of 447
measurement that will be used to determine progress toward those 448
goals, which shall include the statewide achievement 449
assessments; 450

(4) Performance standards, including but not limited to 451
all applicable report card measures set forth in section 3302.03 452
or 3314.017 of the Revised Code, by which the success of the 453

school will be evaluated by the sponsor; 454

(5) The admission standards of section 3314.06 of the 455
Revised Code and, if applicable, section 3314.061 of the Revised 456
Code; 457

(6) (a) Dismissal procedures; 458

(b) A requirement that the governing authority adopt an 459
attendance policy that includes a procedure for automatically 460
withdrawing a student from the school if the student without a 461
legitimate excuse fails to participate in seventy-two 462
consecutive hours of the learning opportunities offered to the 463
student. 464

(7) The ways by which the school will achieve racial and 465
ethnic balance reflective of the community it serves; 466

(8) Requirements for financial audits by the auditor of 467
state. The contract shall require financial records of the 468
school to be maintained in the same manner as are financial 469
records of school districts, pursuant to rules of the auditor of 470
state. Audits shall be conducted in accordance with section 471
117.10 of the Revised Code. 472

(9) An addendum to the contract outlining the facilities 473
to be used that contains at least the following information: 474

(a) A detailed description of each facility used for 475
instructional purposes; 476

(b) The annual costs associated with leasing each facility 477
that are paid by or on behalf of the school; 478

(c) The annual mortgage principal and interest payments 479
that are paid by the school; 480

(d) The name of the lender or landlord, identified as 481
such, and the lender's or landlord's relationship to the 482
operator, if any. 483

(10) Qualifications of teachers, including a requirement 484
that the school's classroom teachers be licensed in accordance 485
with sections 3319.22 to 3319.31 of the Revised Code, except 486
that a community school may engage noncertificated persons to 487
teach up to twelve hours per week pursuant to section 3319.301 488
of the Revised Code. 489

(11) That the school will comply with the following 490
requirements: 491

(a) The school will provide learning opportunities to a 492
minimum of twenty-five students for a minimum of nine hundred 493
twenty hours per school year. 494

(b) The governing authority will purchase liability 495
insurance, or otherwise provide for the potential liability of 496
the school. 497

(c) The school will be nonsectarian in its programs, 498
admission policies, employment practices, and all other 499
operations, and will not be operated by a sectarian school or 500
religious institution. 501

(d) The school will comply with sections 9.90, 9.91, 502
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 503
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 504
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 505
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 506
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 507
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 508
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 509

3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 510
3313.89, 3313.96, 3319.073, 3319.074, 3319.321, 3319.39, 511
3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 512
3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 513
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 514
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 515
of the Revised Code as if it were a school district and will 516
comply with section 3301.0714 of the Revised Code in the manner 517
specified in section 3314.17 of the Revised Code. 518

(e) The school shall comply with Chapter 102. and section 519
2921.42 of the Revised Code. 520

(f) The school will comply with sections 3313.61, 521
3313.611, and 3313.614 of the Revised Code, except that for 522
students who enter ninth grade for the first time before July 1, 523
2010, the requirement in sections 3313.61 and 3313.611 of the 524
Revised Code that a person must successfully complete the 525
curriculum in any high school prior to receiving a high school 526
diploma may be met by completing the curriculum adopted by the 527
governing authority of the community school rather than the 528
curriculum specified in Title XXXIII of the Revised Code or any 529
rules of the state board of education. Beginning with students 530
who enter ninth grade for the first time on or after July 1, 531
2010, the requirement in sections 3313.61 and 3313.611 of the 532
Revised Code that a person must successfully complete the 533
curriculum of a high school prior to receiving a high school 534
diploma shall be met by completing the requirements prescribed 535
in division (C) of section 3313.603 of the Revised Code, unless 536
the person qualifies under division (D) or (F) of that section. 537
Each school shall comply with the plan for awarding high school 538
credit based on demonstration of subject area competency, and 539
beginning with the 2017-2018 school year, with the updated plan 540

that permits students enrolled in seventh and eighth grade to 541
meet curriculum requirements based on subject area competency 542
adopted by the state board of education under divisions (J) (1) 543
and (2) of section 3313.603 of the Revised Code. Beginning with 544
the 2018-2019 school year, the school shall comply with the 545
framework for granting units of high school credit to students 546
who demonstrate subject area competency through work-based 547
learning experiences, internships, or cooperative education 548
developed by the department under division (J) (3) of section 549
3313.603 of the Revised Code. 550

(g) The school governing authority will submit within four 551
months after the end of each school year a report of its 552
activities and progress in meeting the goals and standards of 553
divisions (A) (3) and (4) of this section and its financial 554
status to the sponsor and the parents of all students enrolled 555
in the school. 556

(h) The school, unless it is an internet- or computer- 557
based community school, will comply with section 3313.801 of the 558
Revised Code as if it were a school district. 559

(i) If the school is the recipient of moneys from a grant 560
awarded under the federal race to the top program, Division (A), 561
Title XIV, Sections 14005 and 14006 of the "American Recovery 562
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 563
the school will pay teachers based upon performance in 564
accordance with section 3317.141 and will comply with section 565
3319.111 of the Revised Code as if it were a school district. 566

(j) If the school operates a preschool program that is 567
licensed by the department of education under sections 3301.52 568
to 3301.59 of the Revised Code, the school shall comply with 569
sections 3301.50 to 3301.59 of the Revised Code and the minimum 570

standards for preschool programs prescribed in rules adopted by 571
the state board under section 3301.53 of the Revised Code. 572

(k) The school will comply with sections 3313.6021 and 573
3313.6023 of the Revised Code as if it were a school district 574
unless it is either of the following: 575

(i) An internet- or computer-based community school; 576

(ii) A community school in which a majority of the 577
enrolled students are children with disabilities as described in 578
division (A) (4) (b) of section 3314.35 of the Revised Code. 579

(12) Arrangements for providing health and other benefits 580
to employees; 581

(13) The length of the contract, which shall begin at the 582
beginning of an academic year. No contract shall exceed five 583
years unless such contract has been renewed pursuant to division 584
(E) of this section. 585

(14) The governing authority of the school, which shall be 586
responsible for carrying out the provisions of the contract; 587

(15) A financial plan detailing an estimated school budget 588
for each year of the period of the contract and specifying the 589
total estimated per pupil expenditure amount for each such year. 590

(16) Requirements and procedures regarding the disposition 591
of employees of the school in the event the contract is 592
terminated or not renewed pursuant to section 3314.07 of the 593
Revised Code; 594

(17) Whether the school is to be created by converting all 595
or part of an existing public school or educational service 596
center building or is to be a new start-up school, and if it is 597
a converted public school or service center building, 598

specification of any duties or responsibilities of an employer 599
that the board of education or service center governing board 600
that operated the school or building before conversion is 601
delegating to the governing authority of the community school 602
with respect to all or any specified group of employees provided 603
the delegation is not prohibited by a collective bargaining 604
agreement applicable to such employees; 605

(18) Provisions establishing procedures for resolving 606
disputes or differences of opinion between the sponsor and the 607
governing authority of the community school; 608

(19) A provision requiring the governing authority to 609
adopt a policy regarding the admission of students who reside 610
outside the district in which the school is located. That policy 611
shall comply with the admissions procedures specified in 612
sections 3314.06 and 3314.061 of the Revised Code and, at the 613
sole discretion of the authority, shall do one of the following: 614

(a) Prohibit the enrollment of students who reside outside 615
the district in which the school is located; 616

(b) Permit the enrollment of students who reside in 617
districts adjacent to the district in which the school is 618
located; 619

(c) Permit the enrollment of students who reside in any 620
other district in the state. 621

(20) A provision recognizing the authority of the 622
department of education to take over the sponsorship of the 623
school in accordance with the provisions of division (C) of 624
section 3314.015 of the Revised Code; 625

(21) A provision recognizing the sponsor's authority to 626
assume the operation of a school under the conditions specified 627

in division (B) of section 3314.073 of the Revised Code; 628

(22) A provision recognizing both of the following: 629

(a) The authority of public health and safety officials to 630
inspect the facilities of the school and to order the facilities 631
closed if those officials find that the facilities are not in 632
compliance with health and safety laws and regulations; 633

(b) The authority of the department of education as the 634
community school oversight body to suspend the operation of the 635
school under section 3314.072 of the Revised Code if the 636
department has evidence of conditions or violations of law at 637
the school that pose an imminent danger to the health and safety 638
of the school's students and employees and the sponsor refuses 639
to take such action. 640

(23) A description of the learning opportunities that will 641
be offered to students including both classroom-based and non- 642
classroom-based learning opportunities that is in compliance 643
with criteria for student participation established by the 644
department under division (H) (2) of section 3314.08 of the 645
Revised Code; 646

(24) The school will comply with sections 3302.04 and 647
3302.041 of the Revised Code, except that any action required to 648
be taken by a school district pursuant to those sections shall 649
be taken by the sponsor of the school. However, the sponsor 650
shall not be required to take any action described in division 651
(F) of section 3302.04 of the Revised Code. 652

(25) Beginning in the 2006-2007 school year, the school 653
will open for operation not later than the thirtieth day of 654
September each school year, unless the mission of the school as 655
specified under division (A) (2) of this section is solely to 656

serve dropouts. In its initial year of operation, if the school 657
fails to open by the thirtieth day of September, or within one 658
year after the adoption of the contract pursuant to division (D) 659
of section 3314.02 of the Revised Code if the mission of the 660
school is solely to serve dropouts, the contract shall be void. 661

(26) Whether the school's governing authority is planning 662
to seek designation for the school as a STEM school equivalent 663
under section 3326.032 of the Revised Code; 664

(27) That the school's attendance and participation 665
policies will be available for public inspection; 666

(28) That the school's attendance and participation 667
records shall be made available to the department of education, 668
auditor of state, and school's sponsor to the extent permitted 669
under and in accordance with the "Family Educational Rights and 670
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 671
and any regulations promulgated under that act, and section 672
3319.321 of the Revised Code; 673

(29) If a school operates using the blended learning 674
model, as defined in section 3301.079 of the Revised Code, all 675
of the following information: 676

(a) An indication of what blended learning model or models 677
will be used; 678

(b) A description of how student instructional needs will 679
be determined and documented; 680

(c) The method to be used for determining competency, 681
granting credit, and promoting students to a higher grade level; 682

(d) The school's attendance requirements, including how 683
the school will document participation in learning 684

opportunities; 685

(e) A statement describing how student progress will be 686
monitored; 687

(f) A statement describing how private student data will 688
be protected; 689

(g) A description of the professional development 690
activities that will be offered to teachers. 691

(30) A provision requiring that all moneys the school's 692
operator loans to the school, including facilities loans or cash 693
flow assistance, must be accounted for, documented, and bear 694
interest at a fair market rate; 695

(31) A provision requiring that, if the governing 696
authority contracts with an attorney, accountant, or entity 697
specializing in audits, the attorney, accountant, or entity 698
shall be independent from the operator with which the school has 699
contracted. 700

(32) A provision requiring the governing authority to 701
adopt an enrollment and attendance policy that requires a 702
student's parent to notify the community school in which the 703
student is enrolled when there is a change in the location of 704
the parent's or student's primary residence. 705

(33) A provision requiring the governing authority to 706
adopt a student residence and address verification policy for 707
students enrolling in or attending the school. 708

(B) The community school shall also submit to the sponsor 709
a comprehensive plan for the school. The plan shall specify the 710
following: 711

(1) The process by which the governing authority of the 712

school will be selected in the future; 713

(2) The management and administration of the school; 714

(3) If the community school is a currently existing public 715
school or educational service center building, alternative 716
arrangements for current public school students who choose not 717
to attend the converted school and for teachers who choose not 718
to teach in the school or building after conversion; 719

(4) The instructional program and educational philosophy 720
of the school; 721

(5) Internal financial controls. 722

When submitting the plan under this division, the school 723
shall also submit copies of all policies and procedures 724
regarding internal financial controls adopted by the governing 725
authority of the school. 726

(C) A contract entered into under section 3314.02 of the 727
Revised Code between a sponsor and the governing authority of a 728
community school may provide for the community school governing 729
authority to make payments to the sponsor, which is hereby 730
authorized to receive such payments as set forth in the contract 731
between the governing authority and the sponsor. The total 732
amount of such payments for monitoring, oversight, and technical 733
assistance of the school shall not exceed three per cent of the 734
total amount of payments for operating expenses that the school 735
receives from the state. 736

(D) The contract shall specify the duties of the sponsor 737
which shall be in accordance with the written agreement entered 738
into with the department of education under division (B) of 739
section 3314.015 of the Revised Code and shall include the 740
following: 741

(1) Monitor the community school's compliance with all 742
laws applicable to the school and with the terms of the 743
contract; 744

(2) Monitor and evaluate the academic and fiscal 745
performance and the organization and operation of the community 746
school on at least an annual basis; 747

(3) Report on an annual basis the results of the 748
evaluation conducted under division (D) (2) of this section to 749
the department of education and to the parents of students 750
enrolled in the community school; 751

(4) Provide technical assistance to the community school 752
in complying with laws applicable to the school and terms of the 753
contract; 754

(5) Take steps to intervene in the school's operation to 755
correct problems in the school's overall performance, declare 756
the school to be on probationary status pursuant to section 757
3314.073 of the Revised Code, suspend the operation of the 758
school pursuant to section 3314.072 of the Revised Code, or 759
terminate the contract of the school pursuant to section 3314.07 760
of the Revised Code as determined necessary by the sponsor; 761

(6) Have in place a plan of action to be undertaken in the 762
event the community school experiences financial difficulties or 763
closes prior to the end of a school year. 764

(E) Upon the expiration of a contract entered into under 765
this section, the sponsor of a community school may, with the 766
approval of the governing authority of the school, renew that 767
contract for a period of time determined by the sponsor, but not 768
ending earlier than the end of any school year, if the sponsor 769
finds that the school's compliance with applicable laws and 770

terms of the contract and the school's progress in meeting the 771
academic goals prescribed in the contract have been 772
satisfactory. Any contract that is renewed under this division 773
remains subject to the provisions of sections 3314.07, 3314.072, 774
and 3314.073 of the Revised Code. 775

(F) If a community school fails to open for operation 776
within one year after the contract entered into under this 777
section is adopted pursuant to division (D) of section 3314.02 778
of the Revised Code or permanently closes prior to the 779
expiration of the contract, the contract shall be void and the 780
school shall not enter into a contract with any other sponsor. A 781
school shall not be considered permanently closed because the 782
operations of the school have been suspended pursuant to section 783
3314.072 of the Revised Code. 784

Sec. 3320.01. (A) Sections 3320.01, 3320.02, and 3320.03 785
of the Revised Code shall be collectively known as the "Ohio 786
Student Religious Liberties Act of 2019." 787

(B) As used in sections 3320.01 to 3320.03 of the Revised 788
Code, "religious expression" includes any of the following: 789

(1) Prayer; 790

(2) Religious gatherings, including but not limited to 791
prayer groups, religious clubs, "see you at the pole" 792
gatherings, or other religious gatherings; 793

(3) Distribution of written materials or literature of a 794
religious nature; 795

(4) Any other activity of a religious nature, including 796
wearing symbolic clothing or expression of a religious 797
viewpoint, provided that the activity is not obscene, vulgar, 798
offensively lewd, or indecent. 799

Sec. 3320.02. (A) A student enrolled in a public school 800
may engage in religious expression before, during, and after 801
school hours in the same manner and to the same extent that a 802
student is permitted to engage in secular activities or 803
expression before, during, and after school hours. 804

(B) A school district, community school established under 805
Chapter 3314., STEM school established under Chapter 3326., or a 806
college-preparatory boarding school established under Chapter 807
3328. of the Revised Code shall give the same access to school 808
facilities to students who wish to conduct a meeting for the 809
purpose of engaging in religious expression as is given to 810
secular student groups, without regard to the content of a 811
student's or group's expression. 812

Sec. 3320.03. No school district board of education, 813
governing authority of a community school established under 814
Chapter 3314. of the Revised Code, governing body of a STEM 815
school established under Chapter 3326. of the Revised Code, or 816
board of trustees of a college-preparatory boarding school 817
established under Chapter 3328. of the Revised Code shall 818
prohibit a student from engaging in religious expression in the 819
completion of homework, artwork, or other written or oral 820
assignments. Assignment grades and scores shall be calculated 821
using ordinary academic standards of substance and relevance, 822
including any legitimate pedagogical concerns, and shall not 823
penalize or reward a student based on the religious content of a 824
student's work. 825

Sec. 3323.10. (A) As used in this section, "public school 826
preschool integrated class" means a class that is operated by a 827
public school, educational service center, or county board of 828
developmental disabilities in which fifty per cent of the 829

students in the class are children with disabilities. 830

(B) Notwithstanding any change to administrative rule 831
adopted by the state board of education prescribing licensure 832
qualifications for teaching a public school preschool integrated 833
class, a teacher who is licensed to teach special education and 834
is employed to teach a public school preschool integrated class 835
on the initial effective date of any rule change prescribing 836
such licensure qualifications may continue to teach a public 837
school preschool integrated class until the teacher retires, 838
resigns, or is reassigned by the employing school, educational 839
service center, or county board of developmental disabilities. 840
Following the retirement, resignation, or reassignment of the 841
teacher, the teacher must meet the licensure qualifications 842
prescribed by administrative rule to teach a public school 843
preschool integrated class. Upon retirement, resignation, or 844
reassignment of the teacher, the school, service center, or 845
county board of developmental disabilities shall employ only a 846
teacher who meets the licensure qualifications prescribed by the 847
rule to teach a public school preschool integrated class. 848

Sec. 3326.11. Each science, technology, engineering, and 849
mathematics school established under this chapter and its 850
governing body shall comply with sections 9.90, 9.91, 109.65, 851
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 852
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 853
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 854
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 855
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 856
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 857
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 858
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 859
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 860

3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 861
3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 862
3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3320.01, 863
3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 864
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 865
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 866
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 867
the Revised Code as if it were a school district. 868

Sec. 3328.24. A college-preparatory boarding school 869
established under this chapter and its board of trustees shall 870
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 871
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 872
3313.6411, 3313.7112, 3313.721, 3313.89, 3319.39, 3319.391, ~~and~~ 873
3319.46, 3320.01, 3320.02, and 3320.03 and Chapter 3365. of the 874
Revised Code as if the school were a school district and the 875
school's board of trustees were a district board of education. 876

Sec. 3781.1010. (A) No rule of the board of building 877
standards for the erection, construction, repair, alteration, 878
and maintenance of buildings adopted under section 3781.10 of 879
the Revised Code shall require the installation of a storm 880
shelter in any school building operated by a public or private 881
school prior to ~~September 15, 2020, November 30, 2022,~~ or in any 882
such school building undergoing or about to undergo 883
construction, alteration, repair, or maintenance for which 884
financing has been secured prior to that date. 885

(B) Any rule adopted by the board that conflicts with this 886
section shall not be effective with respect to any school 887
building prior to ~~September 15, 2020~~November 30, 2022. 888

(C) As used in this section, "school building," "public 889
school," and "private school" have the same meanings as in 890

section 3781.106 of the Revised Code. 891

Section 2. That existing sections 3313.601, 3314.02, 892
3314.03, 3326.11, 3328.24, and 3781.1010 of the Revised Code are 893
hereby repealed. 894

Section 3. That Sections 265.210 (as amended by S.B. 120 895
of the 133rd General Assembly) and 265.335 of H.B. 166 of the 896
133rd General Assembly be amended to read as follows: 897

Sec. 265.210. FOUNDATION FUNDING 898

Of the foregoing appropriation item 200550, Foundation 899
Funding, up to \$40,000,000 in each fiscal year shall be used to 900
provide additional state aid to school districts, joint 901
vocational school districts, community schools, and STEM schools 902
for special education students under division (C) (3) of section 903
3314.08, section 3317.0214 and division (B) of section 3317.16 904
in accordance with the section of H.B. 166 of the 133rd General 905
Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 906
2021," and section 3326.34 of the Revised Code, except that the 907
Controlling Board may increase these amounts if presented with 908
such a request from the Department of Education at the final 909
meeting of the fiscal year. 910

Of the foregoing appropriation item 200550, Foundation 911
Funding, up to \$3,800,000 in each fiscal year shall be used to 912
fund gifted education at educational service centers. The 913
Department shall distribute the funding through the unit-based 914
funding methodology in place under division (L) of section 915
3317.024, division (E) of section 3317.05, and divisions (A), 916
(B), and (C) of section 3317.053 of the Revised Code as they 917
existed prior to fiscal year 2010. 918

Of the foregoing appropriation item 200550, Foundation 919

Funding, up to \$40,000,000 in each fiscal year shall be reserved 920
to fund the state reimbursement of educational service centers 921
under the section of H.B. 166 of the 133rd General Assembly 922
entitled "EDUCATIONAL SERVICE CENTERS FUNDING." 923

Of the foregoing appropriation item 200550, Foundation 924
Funding, up to \$3,500,000 in each fiscal year shall be 925
distributed to educational service centers for School 926
Improvement Initiatives and for the provision of technical 927
assistance to schools and districts consistent with requirements 928
of section 3312.01 of the Revised Code. The Department may 929
distribute these funds through a competitive grant process. 930

Of the foregoing appropriation item 200550, Foundation 931
Funding, up to \$7,000,000 in each fiscal year shall be reserved 932
for payments under section 3317.029 of the Revised Code, in 933
accordance with the section of H.B. 166 of the 133rd General 934
Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 935
2021-22," and Section 9 of H.B. 164 of the 133rd General Assembly. 936
If this amount is not sufficient, the Superintendent of Public 937
Instruction may reallocate excess funds for other purposes 938
supported by this appropriation item in order to fully pay the 939
amounts required by that section, provided that the aggregate 940
amount appropriated in appropriation item 200550, Foundation 941
Funding, is not exceeded. 942

Of the foregoing appropriation item 200550, Foundation 943
Funding, up to \$26,400,000 in each fiscal year shall be used to 944
support school choice programs. 945

Of the portion of the funds distributed to the Cleveland 946
Municipal School District under this section, up to \$23,501,887 947
in each fiscal year shall be used to operate the school choice 948
program in the Cleveland Municipal School District under 949

sections 3313.974 to 3313.979 of the Revised Code. 950
Notwithstanding divisions (B) and (C) of section 3313.978 and 951
division (C) of section 3313.979 of the Revised Code, up to 952
\$1,000,000 in each fiscal year of this amount shall be used by 953
the Cleveland Municipal School District to provide tutorial 954
assistance as provided in division (H) of section 3313.974 of 955
the Revised Code. The Cleveland Municipal School District shall 956
report the use of these funds in the district's three-year 957
continuous improvement plan as described in section 3302.04 of 958
the Revised Code in a manner approved by the Department. 959

Of the foregoing appropriation item 200550, Foundation 960
Funding, up to \$2,000,000 in each fiscal year may be used for 961
payment of the College Credit Plus Program for students 962
instructed at home pursuant to section 3321.04 of the Revised 963
Code. An amount equal to the unexpended, unencumbered balance of 964
this earmark at the end of fiscal year 2020 is hereby 965
reappropriated for the same purpose for fiscal year 2021. 966

Of the foregoing appropriation item 200550, Foundation 967
Funding, an amount shall be available in each fiscal year to be 968
paid to joint vocational school districts in accordance with the 969
section of H.B. 166 of the 133rd General Assembly entitled 970
"FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 971

Of the foregoing appropriation item 200550, Foundation 972
Funding, up to \$700,000 in each fiscal year shall be used by the 973
Department for a program to pay for educational services for 974
youth who have been assigned by a juvenile court or other 975
authorized agency to any of the facilities described in division 976
(A) of the section of H.B. 166 of the 133rd General Assembly 977
entitled "PRIVATE TREATMENT FACILITY PROJECT." 978

Of the foregoing appropriation item 200550, Foundation 979

Funding, a portion may be used to pay college-preparatory 980
boarding schools the per pupil boarding amount pursuant to 981
section 3328.34 of the Revised Code. 982

Of the foregoing appropriation item 200550, Foundation 983
Funding, a portion in each fiscal year shall be used to pay 984
community schools and STEM schools the amounts calculated for 985
the graduation and third-grade reading bonuses under sections 986
3314.085 and 3326.41 of the Revised Code, in accordance with the 987
sections of H.B. 166 of the 133rd General Assembly entitled 988
"FUNDING FOR COMMUNITY SCHOOLS" and "FUNDING FOR STEM SCHOOLS." 989

Of the foregoing appropriation item 200550, Foundation 990
Funding, up to \$1,172,000 in fiscal year 2020 and up to 991
\$1,760,000 in fiscal year 2021 may be used by the Department for 992
duties and activities related to the establishment of academic 993
distress commissions under section 3302.10 of the Revised Code, 994
to provide support and assistance to academic distress 995
commissions to further their duties under Chapter 3302. of the 996
Revised Code, and to provide technical assistance and tools to 997
support districts subject to academic distress commissions. 998

Of the foregoing appropriation item 200550, Foundation 999
Funding, up to \$350,000 in fiscal year 2020 shall be used by the 1000
Department of Education to conduct return on investment studies 1001
for programming funded through student success and wellness 1002
funds and to provide technical assistance to school districts on 1003
implementing these strategies. 1004

Of the foregoing appropriation item 200550, Foundation 1005
Funding, up to \$100,000 in each fiscal year shall be used to 1006
make payments under section 3314.06 of the Revised Code to each 1007
community school that operates a program that uses the 1008
Montessori method endorsed by the American Montessori society, 1009

the Montessori Accreditation Council for Teacher Education, or 1010
the Association Montessori Internationale as its primary method 1011
of instruction for students younger than four years of age who 1012
are enrolled in the school. 1013

Of the foregoing appropriation item 200550, Foundation 1014
Funding, up to \$10,000,000 in fiscal year 2021 shall be used to 1015
pay scholarships awarded as follows. Notwithstanding anything in 1016
the Revised Code to the contrary, for applications for the 2020- 1017
2021 school year, the Department of Education shall accept, 1018
process, and award performance-based Educational Choice 1019
scholarships under section 3310.03 of the Revised Code as 1020
follows. An application period for students who are eligible for 1021
the first time for the 2020-2021 school year shall open April 1, 1022
2020, and run not less than sixty days or to the extent funds 1023
appropriated by the General Assembly under Section 265.10 of 1024
H.B. 166 of the 133rd General Assembly and this section remain 1025
available. The Department shall award scholarships in the order 1026
that it receives applications and shall continue to award 1027
scholarships to the extent the funds appropriated by the General 1028
Assembly under Section 265.10 of H.B. 166 of the 133rd General 1029
Assembly and this section remain available. An application 1030
period for students who were eligible for scholarships for the 1031
2019-2020 school year, regardless of whether the students 1032
received scholarships for that school year, and remain eligible 1033
for the 2020-2021 school year shall open April 1, 2020, and run 1034
not less than sixty days. These scholarships shall be funded and 1035
paid in accordance with section 3310.08 of the Revised Code. 1036

The remainder of the foregoing appropriation item 200550, 1037
Foundation Funding, shall be used to fund the payments included 1038
in the state funding allocation under division (A) (1) of the 1039
section of H.B. 166 of the 133rd General Assembly entitled 1040

"FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 1041
DISTRICTS." 1042

Appropriation items 200502, Pupil Transportation, 200540, 1043
Special Education Enhancements, and 200550, Foundation Funding, 1044
other than specific set-asides, are collectively used in each 1045
fiscal year to pay state formula aid obligations for school 1046
districts, community schools, STEM schools, college preparatory 1047
boarding schools, and joint vocational school districts under 1048
~~this act~~ H.B. 166 of the 133rd General Assembly. The first 1049
priority of these appropriation items, with the exception of 1050
specific set-asides, is to fund state formula aid obligations. 1051
It may be necessary to reallocate funds among these 1052
appropriation items or use excess funds from other general 1053
revenue fund appropriation items in the Department of 1054
Education's budget, including appropriation item 200903, 1055
Property Tax Reimbursement - Education, in each fiscal year in 1056
order to meet state formula aid obligations. If it is determined 1057
that it is necessary to transfer funds among these appropriation 1058
items or to transfer funds from other General Revenue Fund 1059
appropriations in the Department's budget to meet state formula 1060
aid obligations, the Superintendent of Public Instruction shall 1061
seek approval from the Director of Budget and Management to 1062
transfer funds as needed. 1063

The Superintendent of Public Instruction shall make 1064
payments, transfers, and deductions, as authorized by Title 1065
XXXIII of the Revised Code in amounts substantially equal to 1066
those made in the prior year, or otherwise, at the discretion of 1067
the Superintendent, until at least the effective date of the 1068
amendments and enactments made to Title XXXIII by H.B. 166 of 1069
the 133rd General Assembly. Any funds paid to districts or 1070
schools under this section shall be credited toward the annual 1071

funds calculated for the district or school after the changes 1072
made to Title XXXIII in H.B. 166 of the 133rd General Assembly 1073
are effective. Upon the effective date of changes made to Title 1074
XXXIII in H.B. 166 of the 133rd General Assembly, funds shall be 1075
calculated as an annual amount. 1076

Sec. 265.335. QUALITY COMMUNITY SCHOOLS SUPPORT 1077

(A) The foregoing appropriation item 200631, Quality 1078
Community Schools Support, shall be used for the Quality 1079
Community School Support Program. Under the program, the 1080
Department of Education shall pay each community school 1081
established under Chapter 3314. of the Revised Code and 1082
designated as a Community School of Quality under this section 1083
an amount equal to \$1,750 in each fiscal year for each pupil 1084
identified as economically disadvantaged and \$1,000 in each 1085
fiscal year for each pupil that is not identified as 1086
economically disadvantaged. The payment for the current fiscal 1087
year shall be calculated using the final adjusted full-time 1088
equivalent number of students enrolled in a community school for 1089
the prior fiscal year, except that if a school is in its first 1090
year of operation the payment for the current fiscal year shall 1091
be calculated using the adjusted full-time equivalent number of 1092
students enrolled in the school for the current fiscal year as 1093
of the date the payment is made, as reported by the school under 1094
section 3314.08 of the Revised Code. The Department shall make 1095
the payment to each Community School of Quality not later than 1096
January 31 of each fiscal year. 1097

(B) To be designated as a Community School of Quality, a 1098
community school shall satisfy at least one of the following 1099
conditions: 1100

(1) The community school meets all of the following 1101

criteria: 1102

(a) The school's sponsor was rated "exemplary" or 1103
"effective" on the sponsor's most recent evaluation conducted 1104
under section 3314.016 of the Revised Code. 1105

(b) The school received a higher performance index score 1106
than the school district in which the school is located on the 1107
two most recent report cards issued for the school under section 1108
3302.03 of the Revised Code. 1109

(c) The school received an overall grade of "A" or "B" for 1110
the value-added progress dimension on the most recent report 1111
card issued for the school under section 3302.03 of the Revised 1112
Code or is a school described under division (A) (4) of section 1113
3314.35 of the Revised Code and did not receive a grade for the 1114
value-added progress dimension on the most recent report card. 1115

(d) At least fifty per cent of the students enrolled in 1116
the school are economically disadvantaged, as determined by the 1117
Department. 1118

(2) The community school meets all of the following 1119
criteria: 1120

(a) The school's sponsor was rated "exemplary" or 1121
"effective" on the sponsor's most recent evaluation conducted 1122
under section 3314.016 of the Revised Code. 1123

(b) The school is in its first year of operation or the 1124
school opened as a kindergarten school and has added one grade 1125
per year and has been in operation for less than four school 1126
years. 1127

(c) The school is replicating an operational and 1128
instructional model used by a community school described in 1129

division (B) (1) of this section. 1130

(3) The community school meets all of the following 1131
criteria: 1132

(a) The school's sponsor was rated "exemplary" or 1133
"effective" on the sponsor's most recent evaluation conducted 1134
under section 3314.016 of the Revised Code. 1135

(b) The school contracts with an operator that operates 1136
schools in other states and meets at least one of the following 1137
criteria: 1138

(i) Has operated a school that received a grant funded 1139
through the federal Charter School Program established under 20 1140
U.S.C. 7221 or received funding from the Charter School Growth 1141
Fund; 1142

(ii) Meets all of the following criteria: 1143

(I) One of the operator's schools in another state 1144
performed better than the school district in which the school is 1145
located, as determined by the Department. 1146

(II) At least fifty per cent of the total number of 1147
students enrolled in all of the operator's schools are 1148
economically disadvantaged, as determined by the Department. 1149

(III) The operator is in good standing in all states where 1150
it operates schools. 1151

(IV) The Department has determined that the operator does 1152
not have any financial viability issues that would prevent it 1153
from effectively operating a community school in Ohio. 1154

(c) The school is in its first year of operation. 1155

(C) A school that is designated as a Community School of 1156

Quality under division (B) of this section shall maintain that 1157
designation for the two fiscal years following the fiscal year 1158
in which the school was initially designated as a Community 1159
School of Quality. 1160

Section 4. That existing Sections 265.210 (as amended by 1161
S.B. 120 of the 133rd General Assembly) and 265.335 of H.B. 166 1162
of the 133rd General Assembly are hereby repealed. 1163

Section 5. That Sections 16 and 17 of H.B. 197 of the 1164
133rd General Assembly be amended to read as follows: 1165

Sec. 16. (A) As used in this section, "license" includes 1166
any license, certificate, permit, or other authorization issued 1167
by a state licensing board that allows the holder to practice a 1168
job or profession. 1169

(B) This section applies to all of the following during 1170
the period of the Director of Health's order under section 1171
3701.13 of the Revised Code "In Re: Order the Closure of All K- 1172
12 Schools in the State of Ohio" issued on March 14, 2020, any 1173
local board of health order to close schools, or any extension 1174
of an order due to the implications of COVID-19, ~~or until~~ 1175
~~December 1, 2020, if the order or extension of the order has not~~ 1176
~~been rescinded by that date~~ and shall continue to so apply for 1177
the balance of the 2019-2020 school year and for the entirety of 1178
the 2020-2021 school year, even if the order or extension has 1179
been rescinded prior to July 1, 2021: 1180

(1) The Ohio Speech and Hearing Professionals Board 1181
described in section 4753.05 of the Revised Code; 1182

(2) The Ohio Occupational Therapy, Physical Therapy, and 1183
Athletic Trainers Board created under section 4755.01 of the 1184
Revised Code; 1185

(3) The State Board of Psychology appointed under section 1186
4732.02 of the Revised Code; 1187

(4) The Counselor, Social Worker, and Marriage and Family 1188
Therapist Board created under section 4757.03 of the Revised 1189
Code; 1190

(5) The State Board of Education with respect to 1191
intervention specialists and school psychologists. 1192

(C) Notwithstanding anything to the contrary in the 1193
Revised Code or in an administrative rule adopted by a licensing 1194
board to which this section applies, a person who holds a valid 1195
license issued by such a board may provide services within the 1196
scope of practice authorized under the license by electronic 1197
delivery method or telehealth communication to any student 1198
participating in the Autism Scholarship Program established 1199
under section 3310.41 of the Revised Code or the Jon Peterson 1200
Special Needs Scholarship Program established under section 1201
3310.52 of the Revised Code, or to any student ~~who was~~ enrolled 1202
in a public or private school ~~and was~~ receiving those services, 1203
regardless of the method of delivery, prior to the issuance of 1204
the Director of Health's order. No licensing board to which this 1205
section applies shall take any disciplinary action against a 1206
license holder who provides services to a student in accordance 1207
with this section, including limiting, suspending, or revoking 1208
the person's license or refusing to issue a license to the 1209
person, solely because the license holder provided such 1210
services. 1211

Sec. 17. Notwithstanding anything in the Revised Code or 1212
Administrative Code to the contrary, for the 2019-2020 school 1213
year only, except as otherwise provided in this section, due to 1214
the Director of Health's order under section 3701.13 of the 1215

Revised Code "In re: Order the Closure of All K-12 Schools in 1216
the State of Ohio" issued on March 14, 2020, or any local board 1217
of health order, and any extension of any order, based on the 1218
implications of COVID-19, all of the following apply: 1219

(A) (1) Any city, exempted village, local, joint 1220
vocational, or municipal school district, any community school 1221
established under Chapter 3314. of the Revised Code, any STEM 1222
school established under Chapter 3326. of the Revised Code, any 1223
chartered nonpublic school, and the State School for the Deaf 1224
and the State School for the Blind shall not be required to 1225
administer the assessments prescribed in sections 3301.0710, 1226
3301.0711, 3301.0712, 3313.903, and 3314.017 of the Revised 1227
Code, including the Ohio English Language Proficiency Assessment 1228
administered to English learners pursuant to division (C) (3) (b) 1229
of section 3301.0711 of the Revised Code and the Alternate 1230
Assessment for Students with Significant Cognitive Disabilities 1231
prescribed in division (C) (1) of section 3301.0711 of the 1232
Revised Code. 1233

(2) Any chartered nonpublic school that has chosen to 1234
administer assessments under section 3313.619 of the Revised 1235
Code that has not administered such assessments by March 17, 1236
2020, shall not be required to administer those assessments. 1237

(3) The Department of Education shall not exclude any 1238
student to whom an assessment was not administered in the 2019- 1239
2020 school year under division (A) of this section from 1240
counting in a district's or school's enrollment for the 2020- 1241
2021 school year pursuant to division (L) (3) of section 3314.08, 1242
division (E) (3) of section 3317.03, or division (C) of section 1243
3326.37 of the Revised Code. 1244

(4) If a student was not administered an assessment in the 1245

2019-2020 school year under division (A) of this section, that 1246
school year shall not count in determining if the student is 1247
subject to withdrawal from a school pursuant to section 1248
3313.6410 or 3314.26 of the Revised Code. 1249

(5) No student who received a scholarship under the 1250
Educational Choice Scholarship Program under section 3310.03 or 1251
3310.032 of the Revised Code, the Jon Peterson Special Needs 1252
Scholarship Program under section 3310.52 of the Revised Code, 1253
or the Pilot Project Scholarship Program under section 3313.975 1254
of the Revised Code for the 2019-2020 school year shall be 1255
considered ineligible to renew that scholarship for the 2020- 1256
2021 school year solely because the student was not administered 1257
an assessment in the 2019-2020 school year under division (A) of 1258
this section. 1259

(B) (1) The Department of Education shall not publish state 1260
report card ratings under section 3302.03, 3302.033, 3314.012, 1261
or 3314.017 of the Revised Code nor shall the Department be 1262
required to submit preliminary data for the report cards by July 1263
31, 2020, as required by those sections. Furthermore, the 1264
Department shall not assign an overall letter grade under 1265
division (C) (3) of section 3302.03 of the Revised Code for any 1266
school district or building, shall not assign an individual 1267
grade to any component prescribed under division (C) (3) of 1268
section 3302.03 of the Revised Code, shall not assign a grade to 1269
any measures under division (C) (1) of section 3302.03 of the 1270
Revised Code, and shall not rank school districts, community 1271
schools, or STEM schools under section 3302.21 of the Revised 1272
Code for the 2019-2020 school year. 1273

However, the Department shall report any data that it has 1274
regarding the performance of districts and buildings for the 1275

2019-2020 school year by September 15, 2020. 1276

(2) The absence of report card ratings for the 2019-2020 1277
school year shall have no effect in determining sanctions or 1278
penalties, and shall not create a new starting point for 1279
determinations that are based on ratings over multiple years. 1280
The report card ratings of any previous or subsequent years 1281
shall be considered in determining whether a school district or 1282
building is subject to sanctions or penalties. If a school 1283
district or building was subject to any of the following 1284
penalties or sanctions in the 2019-2020 school year based on its 1285
report card rating for previous school years, those penalties or 1286
sanctions shall remain for the 2020-2021 school year. Those 1287
penalties and sanctions include the following: 1288

(a) Any restructuring provisions established under Chapter 1289
3302. of the Revised Code, except as required under federal law; 1290

(b) Provisions for the Columbus City School Pilot Project 1291
under section 3302.042 of the Revised Code; 1292

(c) Provisions for academic distress commissions under 1293
section 3302.10 of the Revised Code. While a district subject to 1294
an academic distress commission prior to the effective date of 1295
this section shall be considered to be subject to an academic 1296
distress commission for the 2020-2021 school year, that year 1297
shall not be included for purposes of determining progressive 1298
consequences under divisions (H), (I), (J), (K), and (L) of 1299
section 3302.10 of the Revised Code that are in addition to 1300
those that were being exercised by the chief executive officer 1301
during the 2019-2020 school year or for purposes of the 1302
appointment of a new board of education under division (K) of 1303
that section. Nothing in division (B) (2) (c) of this section 1304
shall be construed to limit the powers that the chief executive 1305

officer exercised under section 3302.10 of the Revised Code 1306
prior to the 2020-2021 school year. 1307

(d) Provisions prescribing new buildings where students 1308
are eligible for the Educational Choice Scholarships under 1309
section 3310.03 of the Revised Code; 1310

(e) Provisions defining "challenged school districts" in 1311
which new start-up community schools may be located, as 1312
prescribed in section 3314.02 of the Revised Code; 1313

(f) Provisions prescribing community school closure 1314
requirements under section 3314.35 or 3314.351 of the Revised 1315
Code; 1316

(g) Provisions of state or federal law that identify 1317
school districts or buildings for comprehensive or targeted 1318
support and improvement or additional targeted support and 1319
improvement. Districts and buildings so identified shall 1320
continue to receive supports and interventions consistent with 1321
their support and improvement plans in the 2020-2021 school 1322
year. 1323

(h) Provisions that determine the conditions under which 1324
community schools may change sponsors under section 3314.034 of 1325
the Revised Code. 1326

(C) No school district, community school, or STEM school 1327
and no chartered nonpublic school that is subject to section 1328
3301.163 of the Revised Code shall retain a student in the third 1329
grade under that section or section 3313.608 of the Revised Code 1330
based solely on a student's academic performance in reading in 1331
the 2019-2020 school year unless the principal of the school 1332
building in which a student is enrolled and the student's 1333
reading teacher agree that the student is reading below grade 1334

level and is not prepared to be promoted to the fourth grade. 1335

(D) (1) Division (D) of this section applies to any student 1336
who meets both of the following criteria: 1337

(a) The student was enrolled in the twelfth grade in the 1338
2019-2020 school year or was on track to graduate in the 2019- 1339
2020 school year, as determined by the school district or other 1340
public or chartered nonpublic school in which the student was 1341
enrolled, regardless of the graduation cohort in which the 1342
student is included. 1343

(b) The student had not completed the requirements for a 1344
high school diploma under section 3313.61, 3313.612, or 3325.08 1345
of the Revised Code or under Section 3 of H.B. 491 of the 132nd 1346
General Assembly, as of March 17, 2020. 1347

(2) A city, exempted village, local, or municipal school 1348
district, a community school, a STEM school, a chartered 1349
nonpublic school, the State School for the Blind, and the State 1350
School for the Deaf shall grant a high school diploma to any 1351
student to whom this section applies, if the student's 1352
principal, in consultation with teachers and counselors, reviews 1353
the student's progress toward meeting the requirements for a 1354
diploma and determines that the student has successfully 1355
completed the curriculum in the student's high school or the 1356
individualized education program developed for the student by 1357
the student's high school pursuant to section 3323.08 of the 1358
Revised Code, or qualified under division (D) or (F) of section 1359
3313.603 of the Revised Code, at the time the student's school 1360
closed pursuant to the Director of Health's order under section 1361
3701.13 of the Revised Code "In Re: Order the Closure of All K- 1362
12 Schools in the State of Ohio" issued on March 14, 2020. No 1363
district or school shall grant a high school diploma under 1364

division (D) (2) of this section after September 30, 2020. 1365

(3) If the board of education of a school district or the 1366
governing authority of a community school, STEM school, 1367
chartered nonpublic school, the State School for the Blind, or 1368
the State School for the Deaf has adopted a resolution under 1369
division (E) of section 3313.603 of the Revised Code requiring a 1370
more challenging curriculum than otherwise required under 1371
division (C) of that section, the district superintendent or the 1372
chief administrator of the school may elect to require only the 1373
minimum curriculum specified in division (C) of that section for 1374
the purpose of determining if a student to whom division (D) of 1375
this section applies has successfully completed the curriculum 1376
under division (D) (2) of this section. If such an election is 1377
made, the superintendent or chief administrator shall evaluate 1378
each student to whom division (D) of this section applies using 1379
the minimum curriculum specified in division (C) of this 1380
section. 1381

(4) It is the intent of the General Assembly that school 1382
districts and other public and private schools do both of the 1383
following: 1384

(a) Continue to provide ways to keep students actively 1385
engaged in learning opportunities between March 17, 2020, and 1386
the remainder of the school year; 1387

(b) Grant students who need in-person instructional 1388
experiences to complete requirements for a diploma or a career- 1389
technical education program access to school facilities as soon 1390
as it is reasonably possible after the Director of Health 1391
permits such access to resume, even if the last instructional 1392
day of the school year has already passed. 1393

(E) For the purpose of teacher evaluations conducted under 1394
sections 3319.111 and 3319.112 of the Revised Code, no school 1395
district board of education shall use value-added progress 1396
dimension data, established under section 3302.021 of the 1397
Revised Code, from the 2019-2020 school year to measure student 1398
learning attributable to the teacher being evaluated. 1399

(F) (1) For community school sponsor evaluations required 1400
under section 3314.016 of the Revised Code, the Department shall 1401
not issue a rating for the ~~academic performance component~~ 1402
components under division (B) (1) ~~(a)~~ of that section to any 1403
sponsor ~~and, nor shall not include academic performance in the~~ 1404
~~calculation of the Department issue~~ an overall rating for the 1405
sponsor. ~~The Department's rating of a sponsor for the 2019-2020~~ 1406
~~school year shall be based only on the components listed in~~ 1407
~~divisions (B) (1) (b) and (c) of that section~~ The Department shall 1408
allow a sponsor to indicate that it could not comply with an 1409
applicable law or administrative rule or fully adhere to a 1410
quality practice because the required action was unable to be 1411
completed due to the Director of Health's order under section 1412
3701.13 of the Revised Code "In Re: Order the Closure of All K- 1413
12 Schools in the State of Ohio" issued on March 14, 2020, any 1414
local board of health order, or any extension of an order. 1415

~~In evaluating a sponsor based on the components in~~ 1416
~~divisions (B) (1) (b) and (c) of section 3314.016 of the Revised~~ 1417
~~Code for the 2019-2020 school year, the Department shall not~~ 1418
~~find a sponsor or a school out of compliance with an applicable~~ 1419
~~law or administrative rule for any requirement for an action~~ 1420
~~that should have occurred while schools were closed pursuant to~~ 1421
~~the Director of Health's order under section 3701.13 of the~~ 1422
~~Revised Code "In Re: Order the Closure of All K-12 Schools in~~ 1423
~~the State of Ohio" issued on March 14, 2020, any local board of~~ 1424

~~health order, or any extension of an order.~~ 1425

(2) The absence of community school sponsor ratings for 1426
the 2019-2020 school year shall have no effect in determining 1427
sanctions or penalties of a sponsor under Chapter 3314. of the 1428
Revised Code and shall not create a new starting point for 1429
determinations that are based on ratings over multiple years. 1430
The sponsor ratings of any previous or subsequent school years 1431
shall be considered when a sponsor is subject to sanctions or 1432
penalties under that chapter. A sponsor shall remain eligible in 1433
the 2020-2021 school year for any incentives that the sponsor 1434
was eligible for in the 2019-2020 school year, and the 2019-2020 1435
school year shall not count toward the number of years in which 1436
a sponsor subject to division (B) (7) (b) of section 3314.016 of 1437
the Revised Code is not required to be evaluated. 1438

(G) The Superintendent of Public Instruction may waive the 1439
requirement to complete any report prescribed by law that is 1440
based on data from assessments that would have been but were not 1441
administered during the 2019-2020 school year pursuant to 1442
division (A) of this section. 1443

(H) The Department, on behalf of the State Board of 1444
Education, may issue a one-year, nonrenewable provisional 1445
license to any individual to practice in any category, type, and 1446
level for which the State Board issues a license pursuant to 1447
Title XXXIII of the Revised Code, if the individual has met all 1448
requirements for the requested license except for the 1449
requirement to pass an examination prescribed by the State Board 1450
in the subject area for which application is being made. Any 1451
individual to whom a provisional license is issued under this 1452
division shall take and pass the appropriate subject area 1453
examination prior to expiration of the license as a condition of 1454

advancing the license in the appropriate category, type, and 1455
level. The Department shall not issue a provisional license 1456
under this division that is valid on or after July 1, 2021. 1457

(I) The Superintendent of Public Instruction may extend or 1458
waive any deadline for an action required of the State Board of 1459
Education, the Department of Education, or any person or entity 1460
licensed or regulated by the State Board or Department during 1461
the duration of the Director of Health's order under section 1462
3701.13 of the Revised Code "In re: Order the Closure of All K- 1463
12 Schools in the State of Ohio" issued on March 14, 2020, or 1464
any local board of health order, and any extension of any order, 1465
based on the implications of COVID-19, as necessary to ensure 1466
that the safety of students, families, and communities are 1467
prioritized while continuing to ensure the efficient operation 1468
of the Department and public and private schools in this state. 1469
Deadlines that may be extended or waived by the State 1470
Superintendent include, but are not limited to, deadlines 1471
related to the following: 1472

(1) The conduct of evaluations for school personnel under 1473
Chapter 3319. of the Revised Code; 1474

(2) Notice of intent not to reemploy school personnel 1475
under Chapter 3319. Of the Revised Code; 1476

(3) The conduct of school safety drills under section 1477
3737.73 of the Revised Code; 1478

(4) The emergency management test required by division (E) 1479
of section 3313.536 of the Revised Code; 1480

(5) The filling of a vacancy in a board of education; 1481

(6) Updating of teacher evaluation policies to conform 1482
with the framework for evaluation of teachers adopted under 1483

section 3319.112 of the Revised Code; 1484

(7) Identification and screening of gifted students under 1485
Chapter 3324. of the Revised Code. 1486

(J) Notwithstanding anything in the Revised Code or 1487
Administrative Code to the contrary, the Chancellor of Higher 1488
Education, in consultation with the Superintendent of Public 1489
Instruction, may waive, extend, suspend, or modify requirements 1490
of the College Credit Plus program if the Chancellor, in 1491
consultation with the Superintendent, determines the waiver, 1492
extension, suspension, or modification is necessary in response 1493
to COVID-19. 1494

(K) The Superintendent of Public Instruction shall 1495
collaborate with providers in the 22+ Adult High School Diploma 1496
Program authorized under sections 3314.38, 3317.23, 3317.231, 1497
3317.24, and 3345.86 of the Revised Code and the Adult Diploma 1498
Program authorized under section 3313.902 of the Revised Code, 1499
and rules adopted thereunder, to ensure that the providers have 1500
maximum flexibility to assist students whose progress in the 1501
program has been affected by the Director of Health's order to 1502
complete the requirements to earn a high school diploma. For 1503
this purpose, the State Superintendent may waive or extend 1504
deadlines, or otherwise grant providers and students 1505
flexibility, for completion of program requirements. 1506

(L) No school district shall require the parent of any 1507
student who was instructed at home in accordance with section 1508
3321.04 of the Revised Code for the 2019-2020 school year to 1509
submit to the district superintendent the ~~results of a~~ 1510
~~standardized achievement academic assessment administered to the~~ 1511
~~student report required under rule 3301-34-04 of the~~ 1512
Administrative Code as a condition of the district allowing the 1513

student to continue to receive home instruction for the 2020- 1514
2021 school year. 1515

(M) Notwithstanding anything in the Revised Code to the 1516
contrary, the board of education of any school district that, 1517
prior to the Director of Health's order under section 3701.13 of 1518
the Revised Code "In re: Order the Closure of All K-12 Schools 1519
in the State of Ohio" issued on March 14, 2020, had not 1520
completed an evaluation that was required under Chapter 3319. of 1521
the Revised Code for the 2019-2020 school year for an employee 1522
of the district, including a teacher, administrator, or 1523
superintendent, may elect not to conduct an evaluation of the 1524
employee for that school year, if the district board determines 1525
that it would be impossible or impracticable to do so. If a 1526
district board elects not to evaluate an employee for the 2019- 1527
2020 school year, the employee shall be considered not to have 1528
had evaluation procedures complied with pursuant to section 1529
3319.111 of the Revised Code for purposes of section 3319.11 of 1530
the Revised Code. The district board may collaborate with any 1531
bargaining organization representing employees of the district 1532
in determining whether to complete evaluations for the 2019-2020 1533
school year. Nothing in this section shall preclude a district 1534
board from using an evaluation completed prior to the Director 1535
of Health's order in employment decisions. 1536

Section 6. That existing Sections 16 and 17 of H.B. 197 of 1537
the 133rd General Assembly are hereby repealed. 1538

Section 7. That Section 7 of S.B. 216 of the 132nd General 1539
Assembly be amended to read as follows: 1540

Sec. 7. Notwithstanding the amendment or repeal of 1541
sections 3319.111, 3319.112, and 3319.114 of the Revised Code by 1542
~~this act~~ S.B. 216 of the 132nd General Assembly, for the 2018- 1543

2019 and 2019-2020 school years, the following shall apply: 1544

(A) Each school district, other than a district 1545
participating in the pilot program established under Section 6 1546
of ~~this act~~ S.B. 216 of the 132nd General Assembly, shall 1547
conduct teacher evaluations in accordance with those sections as 1548
they existed prior to ~~the effective date of this section~~ 1549
November 2, 2018, except that if the district board of 1550
education, in the 2019-2020 school year, chooses to complete an 1551
evaluation for a teacher to whom division (C) (2) (a) or (b) of 1552
section 3319.111 of the Revised Code applies without a student 1553
growth measure as part of the evaluation, the board may continue 1554
to evaluate that teacher every three or two years, respectively. 1555
Any teacher who did not have a student academic growth measure 1556
as part of the teacher's evaluation for the 2019-2020 school 1557
year shall remain at the same point in the teacher's evaluation 1558
cycle, and shall retain the same evaluation rating, for the 1559
2020-2021 school year as for the 2019-2020 school year. 1560

(B) Each state agency that employs teachers shall conduct 1561
teacher evaluations in accordance with its teacher evaluation 1562
policy developed under former division (E) of section 3319.112 1563
of the Revised Code, as it existed prior to ~~the effective date~~ 1564
~~of this section~~ November 2, 2018. 1565

(C) Any reference in law to evaluations conducted under 1566
section 3319.111 of the Revised Code shall be construed to 1567
include evaluations conducted as required by this section. 1568

(D) References to "evaluation procedures" in section 1569
3319.11 of the Revised Code shall be construed to include the 1570
evaluation procedures required by this section. 1571

Section 8. That existing Section 7 of S.B. 216 of the 1572

132nd General Assembly is hereby repealed. 1573

Section 9. (A) (1) Not later than ten days after the 1574
effective date of this section, the Tax Commissioner shall 1575
determine all of the following for each city, local, exempted 1576
village, and joint vocational school district that has at least 1577
one power plant located within its territory: 1578

(a) Whether the taxable value of all utility tangible 1579
personal property subject to taxation by the district in tax 1580
year 2019 was less than the taxable value of such property 1581
during tax year 2017; 1582

(b) Whether the taxable value of all utility tangible 1583
personal property subject to taxation by the district in tax 1584
year 2019 was less than the taxable value of such property 1585
during tax year 2018; 1586

(c) Whether the taxable value of all utility tangible 1587
personal property subject to taxation by the district in tax 1588
year 2018 was less than the taxable value of such property 1589
during tax year 2017. 1590

(2) If the decrease determined under division (A) (1) (a), 1591
(b), or (c) of this section exceeds ten per cent, the Tax 1592
Commissioner shall certify all of the following to the 1593
Department of Education and the Office of Budget and Management: 1594

(a) The district's total taxable value for tax year 2019; 1595

(b) The change in taxes charged and payable on the 1596
district's total taxable value for tax year 2017 and tax year 1597
2019; 1598

(c) The taxable value of the utility tangible personal 1599
property decrease, which shall be considered a change in 1600

valuation; 1601

(d) The change in taxes charged and payable on such change 1602
in taxable value calculated in the same manner as in division 1603
(A) (3) of section 3317.021 of the Revised Code. 1604

(3) Upon receipt of a certification under division (A) (2) 1605
of this section, the Department of Education shall replace the 1606
three-year average valuations that were used in computing the 1607
district's state education aid for fiscal year 2019 with the 1608
taxable value certified under division (A) (2) (a) of this section 1609
and shall recompute the district's state education aid for 1610
fiscal year 2019 without applying any funding limitations 1611
enacted by the General Assembly to the computation. The 1612
Department shall pay to the district an amount equal to the 1613
greater of the following: 1614

(a) The lesser of the following: 1615

(i) The positive difference between the district's state 1616
education aid for fiscal year 2019 prior to the recomputation 1617
under division (A) (3) of this section and the district's 1618
recomputed state education aid for fiscal year 2019; 1619

(ii) The absolute value of the amount certified under 1620
division (A) (2) (b) of this section. 1621

(b) The absolute value of the amount certified under 1622
division (A) (2) (b) of this section X 0.50. 1623

(B) (1) On or before May 15, 2021, the Tax Commissioner 1624
shall determine for each city, local, exempted village, or joint 1625
vocational school district that has at least one power plant 1626
located within its territory: 1627

(a) Whether the taxable value of all utility tangible 1628

personal property subject to taxation by the district in tax 1629
year 2020 was less than the taxable value of such property 1630
during tax year 2017; 1631

(b) Whether the taxable value of all utility tangible 1632
personal property subject to taxation by the district in tax 1633
year 2020 was less than the taxable value of such property 1634
during tax year 2019. 1635

(2) If the decrease determined under division (B) (1) (a) or 1636
(b) of this section exceeds ten per cent, the Tax Commissioner 1637
shall certify all of the following to the Department of 1638
Education and the Office of Budget and Management: 1639

(a) The district's total taxable value for tax year 2020; 1640

(b) The change in taxes charged and payable on the 1641
district's total taxable value for tax year 2017 and tax year 1642
2020; 1643

(c) The taxable value of the utility tangible personal 1644
property decrease, which shall be considered a change in 1645
valuation; 1646

(d) The change in taxes charged and payable on such change 1647
in taxable value calculated in the same manner as in division 1648
(A) (3) of section 3317.021 of the Revised Code. 1649

(3) Upon receipt of a certification under division (B) (2) 1650
of this section, the Department of Education shall replace the 1651
three-year average valuations that were used in computing the 1652
district's state education aid for fiscal year 2019 with the 1653
taxable value certified under division (B) (2) (a) of this section 1654
and shall recompute the district's state education aid for 1655
fiscal year 2019 without applying any funding limitations 1656
enacted by the General Assembly to the computation. The 1657

Department shall pay to the district an amount equal to the 1658
greater of the following: 1659

(a) The lesser of the following: 1660

(i) The positive difference between the district's state 1661
education aid for fiscal year 2019 prior to the recomputation 1662
under division (B) (3) of this section and the district's 1663
recomputed state education aid for fiscal year 2019; 1664

(ii) The absolute value of the amount certified under 1665
division (B) (2) (b) of this section. 1666

(b) The absolute value of the amount certified under 1667
division (B) (2) (b) of this section X 0.50. 1668

(C) The Department of Education shall make payments under 1669
division (A) (3) of this section not later than fourteen days 1670
after the effective date of this section, and the Department 1671
shall make payments under division (B) (3) of this section 1672
between June 1, 2021, and June 30, 2021. 1673

(D) If a city, local, or exempted village school district 1674
experienced an increase in the taxable value of all utility 1675
tangible personal property subject to taxation by the district 1676
between tax years 2016 and 2017 and, as a result, the Department 1677
of Education deducted funds from the district under division (B) 1678
of former section 3317.028 of the Revised Code, the Department, 1679
not later than ten days after the effective date of this 1680
section, shall credit the deducted amount to the district. 1681

Section 10. Notwithstanding anything to the contrary in 1682
sections 3319.02, 3319.111, and 3319.112 of the Revised Code, a 1683
school district board of education shall not use value-added 1684
progress dimension data established under section 3302.021 of 1685
the Revised Code, any other high-quality student data as defined 1686

by the state board of education under section 3319.112 of the Revised Code, or any other student academic growth data to measure student learning attributable to a teacher or principal while conducting performance evaluations under sections 3319.02, 3319.111, and 3319.112 of the Revised Code for the 2020-2021 school year. Rather, a district board shall use only the other evaluation factors and components prescribed under sections 3319.02, 3319.111, and 3319.112 of the Revised Code to conduct a teacher's or principal's performance evaluation under those sections for that school year. Nothing in this section shall be construed to prohibit a district board from considering as part of a teacher's or principal's evaluation how that teacher or principal collects, analyzes, and uses student data, including student academic growth data, to adapt instruction to meet individual student needs or to improve the teacher's or principal's practice.

Section 11. Notwithstanding anything to the contrary in section 3319.02 of the Revised Code, a school district board of education may choose to complete the performance evaluation of a principal for the 2019-2020 school year under that section without a student growth measure as part of the evaluation.

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

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

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

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

(b) A community school established under Chapter 3314. of

the Revised Code; 1716

(c) A STEM school established under Chapter 3326. of the 1717
Revised Code; 1718

(d) A college-preparatory boarding school established 1719
under Chapter 3328. of the Revised Code; 1720

(e) The State School for the Deaf; 1721

(f) The State School for the Blind; 1722

(g) A chartered nonpublic school. 1723

(3) "Qualifying course" means a course associated with an 1724
end-of-course examination. 1725

(B) Notwithstanding anything to the contrary in sections 1726
3313.618 and 3313.6114 of the Revised Code, a student who was 1727
scheduled to take or retake an end-of-course examination in the 1728
2019-2020 school year, but did not do so because the 1729
administration of that examination was canceled, may use the 1730
student's final course grade in the course associated with that 1731
examination in lieu of a score on the examination to satisfy 1732
conditions for a high school diploma prescribed under sections 1733
3313.618 and 3313.6114 of the Revised Code. A student who was 1734
scheduled to take the end-of-course examination for the first 1735
time in the 2019-2020 school year may use the final course grade 1736
for the qualifying course that the student completed in that 1737
school year, while a student who was scheduled to retake the 1738
examination in the 2019-2020 school year may use a final course 1739
grade for a qualifying course that the student completed in the 1740
2019-2020 school year or a prior school year. For the purposes 1741
of determining whether a student satisfies a condition, a final 1742
course grade shall be equivalent to a level of skill prescribed 1743
under division (B) (5) (a) of section 3301.0712 of the Revised 1744

Code or a competency score prescribed under division (B) (10) of 1745
that section, as follows: 1746

(1) Any "A" letter grade shall be equivalent to an 1747
advanced level of skill. 1748

(2) Any "B" letter grade shall be equivalent to an 1749
accelerated level of skill. 1750

(3) Any "C" letter grade shall be equivalent to a 1751
proficient level of skill. 1752

(4) Any "D" letter grade shall be equivalent to a basic 1753
level of skill. 1754

(5) Any "F" letter grade shall be equivalent to a limited 1755
level of skill. 1756

(6) Any "C" letter grade or higher shall be equivalent to 1757
a competency score. 1758

(7) In the case of a course that issues a pass or fail 1759
designation rather than a letter grade for a final course grade, 1760
a fail designation shall be equivalent to an "F" letter grade 1761
and a limited level of skill. For a pass designation, the 1762
student's district or school shall determine which level of 1763
skill is equivalent to the student's performance in the course. 1764
A pass designation also shall be equivalent to a competency 1765
score. 1766

(C) A student who completed a qualifying course in the 1767
2019-2020 school year shall be deemed to have completed an 1768
administration of the end-of-course examination associated with 1769
that course for the purposes of determining whether that student 1770
may demonstrate competency in a subject area using one of the 1771
options prescribed under divisions (B) (1) (a) to (c) of section 1772

3313.618 of the Revised Code. 1773

(D) A student who completed a qualifying course in the 1774
2019-2020 school year may elect to take the end-of-course 1775
examination associated with that course in an administration of 1776
that examination in a subsequent school year. 1777

Section 13. Notwithstanding anything to the contrary in 1778
the Revised Code, for the 2020-2021 school year, all of the 1779
following shall apply: 1780

(A) The State Board of Education shall not review and 1781
adjust upward the level of achievement designated under division 1782
(A) (3) of section 3301.0710 of the Revised Code for the third 1783
grade English language arts assessment for the 2020-2021 school 1784
year. Rather, the level of achievement for that assessment for 1785
the 2020-2021 school year shall be the same level of achievement 1786
as designated by the State Board for that assessment for the 1787
2019-2020 school year. 1788

The State Board shall resume reviewing and adjusting 1789
upward the level of achievement designated under division (A) (3) 1790
of section 3301.0710 of the Revised Code for the third grade 1791
English language arts assessment in accordance with that 1792
division for the 2021-2022 school year. 1793

(B) A teacher assigned to a student for the purposes of 1794
division (B) (3) or (C) of section 3313.608 of the Revised Code 1795
shall not be required to meet the criteria set forth in division 1796
(H) of that section. 1797

(C) No school district or community school established 1798
under Chapter 3314. of the Revised Code shall be subject to 1799
section 3302.13 of the Revised Code in the 2020-2021 school year 1800
based on either assessment results or report cards issued under 1801

section 3302.03 of the Revised Code for the 2019-2020 school 1802
year. 1803

Section 14. Notwithstanding anything to the contrary in 1804
the Revised Code, no school district, community school 1805
established under Chapter 3314. of the Revised Code, or STEM 1806
school established under Chapter 3326. of the Revised Code shall 1807
be subject to division (G) of section 3301.0715 of the Revised 1808
Code in the 2020-2021 school year based on assessment results 1809
for the 2019-2020 school year. 1810

Section 15. For the 2020-2021 school year, notwithstanding 1811
anything to the contrary in Chapter 3327. of the Revised Code or 1812
Chapter 3301-83 of the Administrative Code, the Department of 1813
Education shall develop an online bus driver training program to 1814
satisfy the classroom portion of pre-service and annual in- 1815
service training for school bus driver certification. On-the-bus 1816
training for drivers shall continue to be completed in person. 1817

Section 16. (A) As used in this section: 1818

(1) "Community school" means a community school 1819
established under Chapter 3314. of the Revised Code that is not 1820
an internet- or computer-based community school, as defined in 1821
section 3314.02 of the Revised Code. 1822

(2) "Qualifying public school" means a school district, a 1823
community school, or a STEM school that has not been approved to 1824
use a blended learning model in accordance with section 3302.41 1825
of the Revised Code for the 2020-2021 school year on the 1826
effective date of this section. 1827

(3) "School district" means a city, local, exempted 1828
village, or joint vocational school district. 1829

(4) "STEM school" means a STEM school established under 1830

Chapter 3326. of the Revised Code. 1831

(B) Each qualifying public school governing body may adopt 1832
a plan to provide instruction using a remote learning model for 1833
the 2020-2021 school year in accordance with this section. Not 1834
later than July 31, 2020, the qualifying public school shall 1835
submit the adopted plan to the Department of Education. An 1836
adopted plan shall not be subject to approval by the Department. 1837
Each plan shall include all of the following: 1838

(1) A description of how student instructional needs will 1839
be determined and documented; 1840

(2) The method to be used for determining competency, 1841
granting credit, and promoting students to a higher grade level; 1842

(3) The school's attendance requirements, including how 1843
the school will document participation in learning 1844
opportunities; 1845

(4) A statement describing how student progress will be 1846
monitored; 1847

(5) A description as to how equitable access to quality 1848
instruction will be ensured; 1849

(6) A description of the professional development 1850
activities that will be offered to teachers. 1851

(C) The Department shall make each plan it receives under 1852
division (B) of this section publicly available on its web site. 1853

(D) For the 2020-2021 school year only, a school district 1854
that implements a plan in accordance with this section shall be 1855
considered to have complied with both of the following: 1856

(1) The minimum number of hours required under section 1857

3313.48 of the Revised Code; 1858

(2) Any requirements to receive state funds prescribed 1859
under Chapter 3317. of the Revised Code. 1860

(E) For the 2020-2021 school year only, a STEM school that 1861
implements a plan in accordance with this section shall be 1862
considered to have complied with both of the following: 1863

(1) The minimum number of hours required under section 1864
3313.48 of the Revised Code; 1865

(2) Any requirements to receive state funds prescribed 1866
under Chapter 3326. of the Revised Code. 1867

(F) For the 2020-2021 school year only, a community school 1868
that implements a plan in accordance with this section shall be 1869
considered to have complied with both of the following: 1870

(1) The minimum number of hours required under division 1871
(A) (11) (a) of section 3314.03 of the Revised Code; 1872

(2) Any requirements to receive state funds prescribed 1873
under Chapter 3314. of the Revised Code. 1874

(G) No student who receives instruction under a plan 1875
implemented in accordance with this section shall exceed "1.0" 1876
full-time equivalency for any state funding purposes prescribed 1877
under Chapter 3314., 3317., or 3326. of the Revised Code. 1878

Section 17. Notwithstanding any provision of the Revised 1879
Code or any rule of the State Board of Education to the 1880
contrary, a superintendent of a school district may employ or 1881
reassign a person licensed under section 3319.22 of the Revised 1882
Code to teach a subject area for which the person is not 1883
licensed or a grade level for which the person is not licensed 1884
that is within two grade levels of the person's licensure grade 1885

band for the 2020-2021 school year if that person has three or 1886
more years of teaching experience. 1887

Section 18. (A) Notwithstanding section 3301.163, 1888
3313.608, or any other section of the Revised Code, for the 1889
2020-2021 school year, no school district, community school, or 1890
STEM school and no chartered nonpublic school that is subject to 1891
section 3301.163 of the Revised Code shall retain a student in 1892
the third grade under that section or section 3313.608 of the 1893
Revised Code who fails to attain at least the equivalent level 1894
of achievement designated under division (A) (3) of section 1895
3301.0710 of the Revised Code on the fall administration of the 1896
third grade English language arts assessment as prescribed under 1897
that section for the 2020-2021 school year if the student has 1898
demonstrated competency as described in division (B) of this 1899
section. 1900

(B) If the student's principal and reading teacher agree 1901
that other evaluations of the student's skill in reading 1902
demonstrate that the student is academically prepared to be 1903
promoted to the fourth grade the student shall be promoted. 1904

Section 19. For fiscal year 2020, the department of 1905
education shall pay each city, local, and exempted village 1906
school district additional funds computed as follows: 1907

(0.94 X the amount calculated for the district for fiscal year 1908
2020 under division (A) of Section 265.220 of H.B. 166 of the 1909
133rd General Assembly prior to any funding reductions 1910
authorized by Executive Order 2020-19D, "Implementing Additional 1911
Spending Controls to Balance the State Budget" issued on May 7, 1912
2020) - (the amount calculated for the district for fiscal year 1913
2020 under division (A) of Section 265.220 of H.B. 166 of the 1914
133rd General Assembly including any funding reductions 1915

authorized by Executive Order 2020-19D, "Implementing Additional 1916
Spending Controls to Balance the State Budget" issued on May 7, 1917
2020 + any funding received by the district from the federal 1918
Elementary and Secondary School Emergency Relief Fund 1919
established by the "Coronavirus Aid, Relief, and Economic 1920
Security Act," Pub. L. No. 116-136) 1921

If the result is a negative number, no payment shall be 1922
made under this section. 1923

Section 20. All items in this section are hereby 1924
appropriated as designated out of any moneys in the state 1925
treasury to the credit of the designated fund. For all 1926
appropriations made in this act, those in the first column are 1927
for fiscal year 2020 and those in the second column are for 1928
fiscal year 2021. The appropriations made in this act are in 1929
addition to any other appropriations made for the FY 2020-FY 1930
2021 biennium. 1931

1932

	1	2	3	4	5
A	EDU DEPARTMENT OF EDUCATION				
B	General Revenue Fund				
C	GRF	200550	Foundation Funding	\$ 24,000,000	\$ 0
D	TOTAL General Revenue Fund			\$ 24,000,000	\$ 0
E	TOTAL ALL BUDGET FUND GROUPS			\$ 24,000,000	\$ 0
	FOUNDATION FUNDING				1933

The foregoing appropriation item 200550, Foundation 1934
Funding, shall be used to make payments to city, local, and 1935
exempted village school districts pursuant to Section 19 of this 1936
act. 1937

Within the limits set forth in this act, the Director of 1938
Budget and Management shall establish accounts indicating the 1939
source and amount of funds for each appropriation made in this 1940
act, and shall determine the form and manner in which 1941
appropriation accounts shall be maintained. Expenditures from 1942
appropriations contained in this act shall be accounted for as 1943
though made in H.B. 166 of the 133rd General Assembly. 1944

The appropriations made in this act are subject to all 1945
provisions of H.B. 166 of the 133rd General Assembly that are 1946
generally applicable to such appropriations. 1947

Section 21. Section 3328.24 of the Revised Code is 1948
presented in this act as a composite of the section as amended 1949
by both Am. Sub. H.B. 410 and Sub. S.B. 3 of the 131st General 1950
Assembly. The General Assembly, applying the principle stated in 1951
division (B) of section 1.52 of the Revised Code that amendments 1952
are to be harmonized if reasonably capable of simultaneous 1953
operation, finds that the composite is the resulting version of 1954
the section in effect prior to the effective date of the section 1955
as presented in this act. 1956

Section 22. Nothing in this act is intended or shall be 1957
construed to limit or abrogate religious expression of students 1958
already guaranteed under the Ohio Constitution and the United 1959
States Constitution. 1960

Section 23. Sections 3314.02 and 3781.1010 of the Revised 1961
Code as amended by this act, section 3323.10 of the Revised Code 1962

as enacted by this act, Section 265.210 of H.B. 166 of the 133rd	1963
General Assembly as amended by this act, Sections 16 and 17 of	1964
H.B. 197 of the 133rd General Assembly as amended by this act,	1965
Section 7 of S.B. 216 of the 132nd General Assembly as amended	1966
by this act, and Sections 9, 10, 11, 12, 13, 14, 15, 16, 17, and	1967
18 of this act are hereby declared to be an emergency measure	1968
necessary for the immediate preservation of the public peace,	1969
health, and safety. The reason for such necessity is to ensure	1970
that the changes made by this act take effect before the start	1971
of the 2020-2021 school year. Therefore, those sections shall go	1972
into immediate effect.	1973