

As Passed by the Senate

133rd General Assembly

Regular Session

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Sub. H. B. No. 404

Representatives Manchester, Sweeney

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

Senators Antonio, Blessing, Brenner, Burke, Coley, Craig, Eklund, Fedor, Gavarone, Hackett, Hoagland, Hottinger, Huffman, S., Johnson, Kunze, Lehner, Manning, Peterson, Schaffer, Sykes, Thomas, Wilson, Yuko

A BILL

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

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

Section 1. That Sections 10, 11 (as amended by H.B. 614 of the 133rd General Assembly), 12, 13, and 17 (as amended by H.B. 164 of the 133rd General Assembly) of H.B. 197 of the 133rd

General Assembly be amended to read as follows: 16

Sec. 10. (A) ~~During the period of the emergency declared~~ 17
~~by Executive Order 2020-01D, issued on March 9, 2020, but not~~ 18
~~beyond December 1, 2020, if the period of the emergency~~ 19
~~continues beyond that date, Until July 1, 2021,~~ the Director of 20
Agriculture may exempt a school from regulation as a food 21
processing establishment under section 3715.021 of the Revised 22
Code if the school: 23

(1) Has been issued a food service operation license under 24
Chapter 3717. of the Revised Code; and 25

(2) Is transporting food only for purposes of the Seamless 26
Summer Option Program or the Summer Food Service Program 27
administered by the United States Department of Agriculture. 28

(B) ~~During the period of the emergency declared by~~ 29
~~Executive Order 2020-01D, issued on March 9, 2020, but not~~ 30
~~beyond December 1, 2020, if the period of the emergency~~ 31
~~continues beyond that date, Until July 1, 2021,~~ the Director of 32
Agriculture may exempt an entity from regulation as a food 33
processing establishment under section 3715.021 of the Revised 34
Code if the entity: 35

(1) Has been issued a food service operation license under 36
Chapter 3717. of the Revised Code; and 37

(2) Is transporting food only for purposes of the Summer 38
Food Service Program administered by the United States 39
Department of Agriculture. 40

Sec. 11. (A) As used in this section: 41

(1) "License" means any license, permit, certificate, 42
commission, charter, registration, card, or other similar 43

authority that is issued or conferred by a state agency, a 44
political subdivision of this state, or an official of a 45
political subdivision of this state. 46

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

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

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

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

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

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

(C) (1) Except as provided in division (E) of this section, 70
if a person is required by law to take action to maintain the 71
validity of a license ~~during the period of the emergency~~ 72

~~declared by Executive Order 2020-01D, issued on or after March~~ 73
~~9, 2020, but not beyond December 1, 2020, if the period of the~~ 74
~~emergency continues beyond that date~~April 1, 2021, 75
notwithstanding the date by which action with respect to that 76
license is required to be taken in accordance with that law, the 77
person shall take that action not later than ~~the sooner of~~ 78
~~either ninety days after the date the emergency ends or December~~ 79
~~1, 2020~~July 1, 2021. 80

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

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

(E) (1) If a concealed handgun license has been issued to a 102

person under section 2923.125 of the Revised Code and if the 103
date on which that license was, or is, scheduled to expire falls 104
on or after March 9, 2020, but not beyond June 30, 2021, 105
notwithstanding that date of scheduled expiration or any other 106
provision of law to the contrary, the date on which that license 107
was, or is, scheduled to expire is hereby extended to the later 108
of either ninety days or June 30, 2021, with the ninety-day 109
extension period commencing on that date of scheduled 110
expiration. 111

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

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

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

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

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

(1) The application of that division does not affect the 131

operation of section 2923.128 of the Revised Code, during the 132
applicable extension period described in that division or at any 133
other time. 134

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

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

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

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

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

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

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

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

"Hearing" means an administrative hearing, hearing as 159

defined in section 119.01 of the Revised Code, or other hearing 160
at which a person may present written or oral testimony on a 161
matter before the public body. 162

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

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

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

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

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

conducted, except in the event of an emergency requiring 189
immediate official action. In the event of an emergency, the 190
public body shall immediately notify the news media that have 191
requested notification or the parties required to be notified of 192
a hearing of the time, place, and purpose of the meeting or 193
hearing. 194

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

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

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

(E) This section is effective ~~during the period of the~~ 219
~~emergency declared by Executive Order 2020-01D, issued on March~~ 220
~~9, 2020, or until December 1, 2020~~July 1, 2021, ~~if the period of~~ 221
~~the emergency continues beyond that date.~~ 222

Sec. 13. (A) As used in this section: 223

(1) "PERS retirant" and "other system retirant" have the 224
same meanings as in section 145.38 of the Revised Code. 225

(2) "Public employer" has the same meaning as in section 226
145.01 of the Revised Code. 227

(B) ~~During the period of the emergency declared by~~ 228
~~Executive Order 2020-01D, issued on March 9, 2020, but not~~ 229
~~beyond December 1, 2020, if the period of emergency goes beyond~~ 230
~~that date~~Until July 1, 2021, a PERS retirant or other system 231
retirant who is employed by any of the following public 232
employers shall not be required to forfeit the retirant's 233
retirement allowance as described in division (B)(4) of section 234
145.38 of the Revised Code: 235

(1) The Department of Rehabilitation and Correction; 236

(2) The Department of Youth Services; 237

(3) The Department of Mental Health and Addiction 238
Services; 239

(4) The Department of Veterans Services; 240

(5) The Department of Developmental Disabilities. 241

Sec. 17. Notwithstanding anything in the Revised Code or 242
Administrative Code to the contrary, for the 2019-2020 school 243
year only, except as otherwise provided in this section, due to 244
the Director of Health's order under section 3701.13 of the 245

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

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

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

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

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

2019-2020 school year under division (A) of this section, that 276
school year shall not count in determining if the student is 277
subject to withdrawal from a school pursuant to section 278
3313.6410 or 3314.26 of the Revised Code. 279

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

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

However, the Department shall report any data that it has 304
regarding the performance of districts and buildings for the 305

2019-2020 school year by September 15, 2020. 306

(2) The absence of report card ratings for the 2019-2020 307
school year shall have no effect in determining sanctions or 308
penalties, and shall not create a new starting point for 309
determinations that are based on ratings over multiple years. 310
The report card ratings of any previous or subsequent years 311
shall be considered in determining whether a school district or 312
building is subject to sanctions or penalties. If a school 313
district or building was subject to any of the following 314
penalties or sanctions in the 2019-2020 school year based on its 315
report card rating for previous school years, those penalties or 316
sanctions shall remain for the 2020-2021 school year. Those 317
penalties and sanctions include the following: 318

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

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

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

chief executive officer exercised under section 3302.10 of the Revised Code prior to the 2020-2021 school year.	336 337
(d) Provisions prescribing new buildings where students are eligible for the Educational Choice Scholarships under section 3310.03 of the Revised Code;	338 339 340
(e) Provisions defining "challenged school districts" in which new start-up community schools may be located, as prescribed in section 3314.02 of the Revised Code;	341 342 343
(f) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised Code;	344 345 346
(g) Provisions of state or federal law that identify school districts or buildings for comprehensive or targeted support and improvement or additional targeted support and improvement. Districts and buildings so identified shall continue to receive supports and interventions consistent with their support and improvement plans in the 2020-2021 school year.	347 348 349 350 351 352 353
(h) Provisions that determine the conditions under which community schools may change sponsors under section 3314.034 of the Revised Code.	354 355 356
(C) No school district, community school, or STEM school and no chartered nonpublic school that is subject to section 3301.163 of the Revised Code shall retain a student in the third grade under that section or section 3313.608 of the Revised Code based solely on a student's academic performance in reading in the 2019-2020 school year unless the principal of the school building in which a student is enrolled and the student's reading teacher agree that the student is reading below grade	357 358 359 360 361 362 363 364

level and is not prepared to be promoted to the fourth grade. 365

(D) (1) Division (D) of this section applies to any student 366
who meets both of the following criteria: 367

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

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

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

division (D) (2) of this section after September 30, 2020. 395

(3) If the board of education of a school district or the 396
governing authority of a community school, STEM school, 397
chartered nonpublic school, the State School for the Blind, or 398
the State School for the Deaf has adopted a resolution under 399
division (E) of section 3313.603 of the Revised Code requiring a 400
more challenging curriculum than otherwise required under 401
division (C) of that section, the district superintendent or the 402
chief administrator of the school may elect to require only the 403
minimum curriculum specified in division (C) of that section for 404
the purpose of determining if a student to whom division (D) of 405
this section applies has successfully completed the curriculum 406
under division (D) (2) of this section. If such an election is 407
made, the superintendent or chief administrator shall evaluate 408
each student to whom division (D) of this section applies using 409
the minimum curriculum specified in division (C) of this 410
section. 411

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

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

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

(E) For the purpose of teacher evaluations conducted under 424
sections 3319.111 and 3319.112 of the Revised Code, no school 425
district board of education shall use value-added progress 426
dimension data, established under section 3302.021 of the 427
Revised Code, from the 2019-2020 school year to measure student 428
learning attributable to the teacher being evaluated. 429

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

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

(G) The Superintendent of Public Instruction may waive the 455
requirement to complete any report prescribed by law that is 456
based on data from assessments that would have been but were not 457
administered during the 2019-2020 school year pursuant to 458
division (A) of this section. 459

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

(I) The Superintendent of Public Instruction may extend or 474
waive any deadline for an action required of the State Board of 475
Education, the Department of Education, or any person or entity 476
licensed or regulated by the State Board or Department during 477
the duration of the Director of Health's order under section 478
3701.13 of the Revised Code "In re: Order the Closure of All K- 479
12 Schools in the State of Ohio" issued on March 14, 2020, or 480
any local board of health order, and any extension of any order, 481
based on the implications of COVID-19, as necessary to ensure 482
that the safety of students, families, and communities are 483
prioritized while continuing to ensure the efficient operation 484
of the Department and public and private schools in this state. 485

Deadlines that may be extended or waived by the State	486
Superintendent include, but are not limited to, deadlines	487
related to the following:	488
(1) The conduct of evaluations for school personnel under	489
Chapter 3319. of the Revised Code;	490
(2) Notice of intent not to reemploy school personnel	491
under Chapter 3319. Of the Revised Code;	492
(3) The conduct of school safety drills under section	493
3737.73 of the Revised Code;	494
(4) The emergency management test required by division (E)	495
of section 3313.536 of the Revised Code;	496
(5) The filling of a vacancy in a board of education;	497
(6) Updating of teacher evaluation policies to conform	498
with the framework for evaluation of teachers adopted under	499
section 3319.112 of the Revised Code;	500
(7) Identification and screening of gifted students under	501
Chapter 3324. of the Revised Code.	502
(J) Notwithstanding anything in the Revised Code or	503
Administrative Code to the contrary, <u>for the 2019-2020, 2020-</u>	504
<u>2021, and 2021-2022 school years only,</u> the Chancellor of Higher	505
Education, in consultation with the Superintendent of Public	506
Instruction, may waive, extend, suspend, or modify requirements	507
of the College Credit Plus program if the Chancellor, in	508
consultation with the Superintendent, determines the waiver,	509
extension, suspension, or modification is necessary in response	510
to COVID-19.	511
(K) The Superintendent of Public Instruction shall	512
collaborate with providers in the 22+ Adult High School Diploma	513

Program authorized under sections 3314.38, 3317.23, 3317.231, 514
3317.24, and 3345.86 of the Revised Code and the Adult Diploma 515
Program authorized under section 3313.902 of the Revised Code, 516
and rules adopted thereunder, to ensure that the providers have 517
maximum flexibility to assist students whose progress in the 518
program has been affected by the Director of Health's order to 519
complete the requirements to earn a high school diploma. For 520
this purpose, the State Superintendent may waive or extend 521
deadlines, or otherwise grant providers and students 522
flexibility, for completion of program requirements. 523

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

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

3319.111 of the Revised Code for purposes of section 3319.11 of 545
the Revised Code. The district board may collaborate with any 546
bargaining organization representing employees of the district 547
in determining whether to complete evaluations for the 2019-2020 548
school year. Nothing in this section shall preclude a district 549
board from using an evaluation completed prior to the Director 550
of Health's order in employment decisions. 551

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

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

Sec. 10. Notwithstanding anything to the contrary in 558
sections 3319.02, 3319.111, ~~and 3319.112,~~ and 3319.113 of the 559
Revised Code, a school district board of education shall not use 560
value-added progress dimension data established under section 561
3302.021 of the Revised Code, any other high-quality student 562
data as defined by the state board of education under section 563
3319.112 of the Revised Code, any other metric used to evaluate 564
positive student outcomes as described under section 3319.113 of 565
the Revised Code, or any other student academic growth data to 566
measure student learning attributable to a teacher ~~or,~~ 567
principal, or school counselor while conducting performance 568
evaluations under sections 3319.02, 3319.111, ~~and 3319.112,~~ and 569
3319.113 of the Revised Code for the 2020-2021 or 2021-2022 570
school year. Rather, a district board shall use only the other 571
evaluation factors and components prescribed under sections 572
3319.02, 3319.111, ~~and 3319.112,~~ and 3319.113 of the Revised 573
Code to conduct a teacher's ~~or,~~ principal's, or school 574

counselor's performance evaluation under those sections for that 575
school year. Nothing in this section shall be construed to 576
prohibit a district board from considering as part of a 577
teacher's ~~or,~~ principal's, or school counselor's evaluation how 578
that teacher ~~or,~~ principal, or school counselor collects, 579
analyzes, and uses student data, including student academic 580
growth data or positive student outcomes data, to adapt 581
instruction to meet individual student needs or to improve the 582
teacher's ~~or,~~ principal's, or student counselor's practice. 583

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

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

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

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

(A) Each school district, other than a district 600
participating in the pilot program established under Section 6 601
of S.B. 216 of the 132nd General Assembly, shall conduct teacher 602
evaluations in accordance with those sections as they existed 603

prior to November 2, 2018, except that if the district board of education, in the 2019-2020 or 2020-2021 school year, chooses to complete an evaluation for a teacher to whom division (C) (2) (a) or (b) of section 3319.111 of the Revised Code applies without a student growth measure as part of the evaluation, the board may continue to evaluate that teacher every three or two years, respectively. Any teacher who did not have a student academic growth measure as part of the teacher's evaluation for the 2019-2020 or 2020-2021 school year shall remain at the same point in the teacher's evaluation cycle, and shall retain the same evaluation rating, for the 2020-2021 and 2021-2022 school ~~year~~ years as for the 2019-2020 school year.

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

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

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

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

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

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

(1) "Subdivision" means a county, township, or municipal corporation, and does not include a park district. 633
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(2) "Ineligible subdivision" means a county or municipal corporation receiving a direct payment under section 5001 of the "Coronavirus Aid, Relief, and Economic Security Act," as described in 42 U.S.C. 801(b) (2). 635
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(3) "2019 LGF allocation" means the amount that would have been deposited to a county's county undivided local government fund in 2019 disregarding any reduction under section 5747.502 of the Revised Code and excluding any amounts deposited in that fund that were paid in that year to ineligible subdivisions or pursuant to section 5747.503 of the Revised Code. 639
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(4) "2019 CULGF allocation" means the amount of funds from a county's county undivided local government fund a subdivision would have received in 2019 under section 5747.51 or 5747.53 of the Revised Code disregarding any reduction under section 5747.502 of the Revised Code and any adjustment because the subdivision, pursuant to an ordinance or resolution, elected to forgo all or a portion of its share of such funds. 645
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(5) "Population" means the most recent population estimate published by the Development Services Agency and based on the American Community Survey, as published by the United States Census Bureau. The population of a township includes only the population of the township's unincorporated area. 652
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(B) As soon as is practicable after the effective date of this section, the Director of Budget and Management, in consultation with the Tax Commissioner, shall provide for payment from the Coronavirus Relief Fund to each county treasury, to be deposited into a new fund in the county treasury 657
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to be named the county coronavirus relief distribution fund, 662
which the county auditor shall create for this purpose. The 663
amount of the payment to each county coronavirus relief 664
distribution fund shall equal the amount appropriated under 665
Section 28 of this act multiplied by a fraction, the numerator 666
of which is the 2019 LGF allocation for that county and the 667
denominator of which is the sum of the 2019 LGF allocations for 668
all counties. 669

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

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

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

and any applicable regulations. Subject to division (F) of this 692
section, until the legislative authority adopts this resolution 693
or ordinance, the subdivision's share of the money from the 694
county coronavirus relief distribution fund shall remain in that 695
fund. The legislative authority shall certify a copy of the 696
resolution or ordinance to the county auditor and the Director 697
of Budget and Management. 698

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

(F) (1) Not later than November 20, 2020, the fiscal 712
officer of each subdivision shall pay the unencumbered balance 713
of money in the subdivision's local coronavirus relief fund to 714
the county treasurer, who shall deposit this revenue in the 715
county coronavirus relief distribution fund. If the subdivision 716
is located within more than one county, the subdivision's fiscal 717
officer shall apportion and pay the unencumbered balance of 718
money in the fund among the counties in which it is located 719
proportionally, based on the cumulative amount of money the 720
subdivision received from each such county's coronavirus relief 721
distribution fund under division (C) of this section, division 722

(C) of Section 4 of H.B. 614 of the 133rd General Assembly, and 723
any other appropriations approved by the Controlling Board. On 724
or before November 25, 2020, the county auditor shall distribute 725
all money to the credit of the county coronavirus relief 726
distribution fund to the county and to each municipal 727
corporation and township fully or partially located within that 728
county, unless the subdivision is an ineligible subdivision or 729
paid an unencumbered balance to the treasurer under this 730
division or the subdivision's legislative authority has not 731
adopted the resolution or ordinance required under division (D) 732
of this section. Subject to ~~division~~divisions (F) (2) and (3) of 733
this section, the money shall be distributed as follows: 734

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

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

(2) If fewer than twenty-five per cent of the municipal 749
corporations and townships with a population that resides in a 750
county qualify for a distribution under division (F) (1) of this 751
section, "fifty per cent" shall be substituted for "twenty-five 752

per cent" in computing the amount of money to be distributed to 753
the county under division (F) (1) (a) of this section if the 754
county qualifies for such a distribution. 755

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

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

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

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

beginning December 31, 2020, and ending February 1, 2021, only 783
for account reconciliation and other similar purposes. 784

(H) A county, municipal corporation, or township receiving 785
a payment from a county coronavirus relief distribution fund 786
under this section shall, upon request, provide any information 787
related to those payments or their expenditure to the Director 788
of Budget and Management. 789

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

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

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

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

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

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

(c) The Kindergarten Readiness Assessment in accordance 810

with sections 3301.0715 and 3301.079 of the Revised Code. 811

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

(a) A city, local, exempted village, or municipal school 813
district; 814

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

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

(d) The State School for the Deaf; 819

(e) The State School for the Blind; 820

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

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

(1) The student is being quarantined. 829

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

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

(4) The student is receiving instruction primarily through 838
a remote learning model up through the deadline for the 839
prescribed assessments, and the assessments cannot be 840
administered remotely. 841

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

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

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

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

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

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

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

(a) The student is being quarantined. 855

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

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

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

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

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

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

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

Section 12. Section 10 of H.B. 164 of the 133rd General 893

Assembly, as amended by this act, and division (E) of Section 17 894
of H.B. 197 of the 133rd General Assembly, as amended by H.B. 895
164 of the 133rd General Assembly, shall be construed as acting 896
in concert with each other and shall not be construed as 897
conflicting with each other. 898

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

Section 14. Notwithstanding any provision of the Revised 919
Code to the contrary, for the 2020-2021 school year only, the 920
governing authority of a community school established under 921
Chapter 3314. of the Revised Code, by December 31, 2020, may 922
submit written notification to a school district board of 923
education stating that the governing authority is accepting 924

responsibility to provide or arrange for transportation of the 925
district's "native students," as defined in section 3314.09 of 926
the Revised Code, to and from the community school in accordance 927
with section 3314.091 of the Revised Code. The governing 928
authority of a community school that accepts responsibility to 929
provide or arrange for transportation pursuant to this section 930
shall receive state funding for the entire 2020-2021 school year 931
in accordance with division (D) of section 3314.091 of the 932
Revised Code. 933

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