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## Bill Analysis

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**Primary Sponsor:** Sen. Huffman

Carol Napp, Research Analyst, and other LSC staff

### SUMMARY

#### School funding adjustments

- Requires the Department of Education to make a payment to each school district with more than a 10% decrease in the taxable value of utility tangible personal property (TPP) subject to taxation between tax years 2017 and 2019 (for the FY 2020 payment) or tax years 2017 and 2020 (for the FY 2021 payment).
- Requires the Tax Commissioner to determine which districts are eligible for this payment no later than ten days after the bill's effective date (for the FY 2020 payment) or May 15, 2021 (for the FY 2021 payment) and to certify specified information to the Department regarding tax valuations for each district eligible for the payment.
- Requires the Department to make FY 2020 payments no later than 14 days after the bill's effective date and to make FY 2021 payments between June 1, 2021, and June 30, 2021.
- Specifies that, if a school district experienced an increase in the taxable value of all utility TPP subject to taxation by the district between tax years 2016 and 2017 and, as a result, had funds deducted from its state education aid, the Department must credit the deducted amount to the district no later than ten days after the bill's effective date.

#### School employees' evaluations, contracts and furloughs

##### Teacher and principal evaluations

- Permits a school district that did not participate in the teacher evaluation pilot program established for the 2019-2020 school year to continue evaluating teachers on two-year or three-year evaluation cycles even if the district completes an evaluation for them in the 2019-2020 school year without a student growth measure.
- Specifies a teacher who did not have a student growth measure as part of an evaluation for the 2019-2020 school year must remain at the same point in the teacher's

evaluation cycle, and retain the same evaluation rating, for the 2020-2021 school year as the 2019-2020 school year.

- Authorizes a school district to choose to complete a principal's performance evaluation for the 2019-2020 school year without using a student growth measure as part of the evaluation.
- Prohibits a school district from using value-added progress dimension data, high-quality student data, or other student academic growth data to measure student learning attributable to a teacher or principal while conducting evaluations for the 2020-2021 school year.

### **District employee contract**

- Specifies that, if a school district board of education elects not to evaluate an employee for the 2019-2020 school year in accordance with current law and that employee's employment contract is set to expire in calendar year 2020, the employee must be offered a one-year limited contract.

### **Furloughing school employees**

- Authorizes each school district board of education and each educational service center governing board to furlough any school employee beginning on the bill's effective date through June 30, 2021, if the employee is not needed during that period or for financial reasons.
- Prevents a furloughed employee from being paid during the furlough, but permits a board of education or governing board to allow an employee to (1) use available accrued but unused paid leave and (2) continue being eligible to receive insurance benefits or services during the furlough.
- Permits a board of education or governing board to request a furloughed employee to return from furlough at any time and provides that a returning employee resumes the employee's contract status that existed at the time the furlough was authorized.
- Prevents an employee returning from furlough from being guaranteed the same job assignment the employee held before the furlough except as provided in a collective bargaining agreement existing before the bill's effective date.

### **Other education provisions**

#### **Qualify for high school diploma using final course grades in lieu of end-of-course exam scores**

- Permits a student who was scheduled to take or re-take an end-of-course exam in the 2019-2020 school year, but did not do so because the exam was cancelled, to use the student's final course grade in lieu of an exam score to satisfy conditions for a high school diploma.
- Specifies a student who was scheduled to take an end-of-course exam for the first time in the 2019-2020 school year may use a final grade for a course completed in that year,

while a student who was scheduled to re-take an exam may use a grade for a course completed in that year or a prior school year.

### **Third-Grade Reading Guarantee**

- Prohibits the State Board of Education from reviewing and adjusting upward the promotion score for the third grade English language arts assessment for the 2020-2021 school year, and, instead, requires the use of the 2019-2020 promotion score for the 2020-2021 school year.
- Exempts a teacher assigned to provide intense remediation reading assistance to a student in the 2020-2021 school year under the Third-Grade Reading Guarantee from certain criteria otherwise required under continuing law.

### **Reading improvement plans**

- Exempts public schools from having to establish reading improvement plans for the 2020-2021 school year based on assessment results for the 2019-2020 school year.

### **Academic assessment records for home instructed students**

- Exempts parents of students receiving home instruction from the administrative rule requirement to submit an “academic assessment record” for the 2019-2020 school year to the student’s resident school district superintendent as a condition of allowing the student to continue receiving home instruction for the 2020-2021 school year.

### **Community school sponsor ratings**

- Prohibits the Department from issuing any community school sponsor ratings for the 2019-2020 school year.
- Requires the Department to allow a sponsor to indicate that it could not comply with an applicable law or administrative rule or fully adhere to a quality practice due to the closure of schools.
- Establishes a safe harbor from penalties and sanctions for community school sponsors based on the absence of community school sponsor ratings for the 2019-2020 school year, in which only ratings from previous and subsequent years are considered.
- Allows a community school sponsor to remain eligible in the 2020-2021 school year for any incentives that the sponsor was eligible for in the 2019-2020 school year.

### **Services to special needs students**

- Permits nonclassroom personnel providing professional services to students with disabilities to provide services electronically or via telehealth communication for the balance of the 2019-2020 school year and the entirety of the 2020-2021 school year.

## Online school bus driver training

- Requires the Department to develop an online 30-day training program to satisfy the classroom portion of pre-service and annual in-service training for school bus driver certification for the 2020-2021 school year.

## Emergency clause

- Declares an emergency.

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## **DETAILED ANALYSIS**

### **SCHOOL FUNDING ADJUSTMENTS**

#### **Payment for districts with decreases in utility TPP value**

The bill requires the Department of Education to make a payment, for FY 2020 and 2021, to each school district with more than a 10% decrease in the taxable value of utility tangible personal property (TPP) subject to taxation. In order to qualify for the FY 2020 payment, a district must have experienced this decrease between tax years 2017 and 2019. In order to qualify for the FY 2021 payment, a district must have experienced this decrease between tax years 2017 and 2020.

#### **Eligibility determination by the Tax Commissioner**

The Tax Commissioner must determine which districts are eligible for this payment no later than ten days after the bill's effective date (for the FY 2020 payment) or May 15, 2021 (for the FY 2021 payment). For each district eligible for the payment, the Commissioner must certify the following information to the Department:

1. If the district is eligible for the FY 2020 payment, the district's total taxable value for tax year 2019 and the change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2019;
2. If the district is eligible for the FY 2021 payment, the district's total taxable value for tax year 2020 and the change in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year 2020;
3. If the district is eligible for either payment, the taxable value of the utility TPP decrease and the change in taxes charged and payable on the change in taxable value.<sup>1</sup>

#### **Computation of payment amount**

The bill requires the Department, for purposes of computing the payment, to replace the three-year average valuations used in computing a district's state education aid for FY 2019 with the district's total taxable value for tax year 2019 (for the FY 2020 payment) or tax year 2020 (for the FY 2021 payment). It then must recompute the state education aid for FY 2019 without applying any funding limitations enacted by the General Assembly.

The amount of a district's payment is equal to the lesser of (1) the positive difference between the district's state education aid for FY 2019 prior to the recomputation and the district's recomputed state education aid for FY 2019 and (2) the absolute value of the changes in taxes charged and payable on the district's total taxable value for tax year 2017 and tax year

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<sup>1</sup> Section 7(A)(1) and (B)(1).

2019 (for the FY 2020 payment) or for tax year 2017 and tax year 2020 (for the FY 2021 payment).<sup>2</sup>

### **Deadline for payment**

The Department must make FY 2020 payments no later than 14 days after the bill's effective date and must make FY 2021 payments between June 1, 2021, and June 30, 2021.<sup>3</sup>

### **Funding adjustment for districts with utility TPP value increases**

The bill also specifies that, if a school district experienced an increase in the taxable value of all utility TPP subject to taxation by the district between tax years 2016 and 2017 and, as a result, had funds deducted from its state education aid in accordance with a provision of former law,<sup>4</sup> the Department must credit the deducted amount to the district no later than ten days after the bill's effective date.<sup>5</sup>

## **SCHOOL EMPLOYEES' EVALUATIONS, CONTRACTS, AND FURLOUGHS**

### **Teacher and principal evaluations for 2019-2020 school year**

The bill permits a school district that did not participate in the teacher evaluation pilot program established for the 2019-2020 school year to continue evaluating teachers on two-year or three-year evaluation cycles, even if the district completes an evaluation for those teachers in the 2019-2020 school year without using a student growth measure. It also specifies that a teacher who did not have a student growth measure as part of an evaluation for the 2019-2020 school year must remain at the same point in the teacher's evaluation cycle, and retain the same evaluation rating, for the 2020-2021 school year as for the 2019-2020 school year.<sup>6</sup> Finally, the bill authorizes a school district to choose to complete a principal's performance evaluation for the 2019-2020 school year without using a student growth measure as part of the evaluation.<sup>7</sup>

H.B. 197 of the 133<sup>rd</sup> General Assembly authorized a school district that had not conducted an evaluation of a district employee, including teachers, administrators, or the superintendent, prior to the Director of Health's order "In re: Order the Closure of All K-12 Schools in the State of Ohio" issued on March 14, 2020, to elect not to conduct that evaluation if it was impossible or impracticable to do so.<sup>8</sup>

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<sup>2</sup> Section 7(A)(2) and (B)(2).

<sup>3</sup> Section 7(C).

<sup>4</sup> Division (B) of former R.C. 3317.028.

<sup>5</sup> Section 7(D).

<sup>6</sup> Section 7 of S.B. 216 of the 132<sup>nd</sup> General Assembly, as amended in Sections 5 and 6 of the bill.

<sup>7</sup> Section 9.

<sup>8</sup> Section 17(M) of H.B. 197 of the 133<sup>rd</sup> General Assembly.

## **Teacher and principal evaluations for 2020-2021 school year**

The bill prohibits a school district from using value-added progress dimension data, any other high-quality student data as defined by the State Board of Education, or any other student academic growth data to measure student learning attributable to a teacher or principal while conducting evaluations for the 2020-2021 school year. Rather, it requires that a school district use the other factors and components prescribed under continuing law to conduct those evaluations. However, it also states that the bill's provision must not be construed as prohibiting a district from considering as part of an evaluation how a 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.<sup>9</sup>

H.B. 197 prohibited using value-added progress dimension data from the 2019-2020 school year to measure student learning attributable to a teacher in that teacher's evaluation.<sup>10</sup>

## **District employee contracts**

The bill specifies that, if a school district board of education elects not to evaluate an employee for the 2019-2020 school year in accordance with a provision of law enacted by H.B. 197 of the 133<sup>rd</sup> General Assembly (see above) and that employee's employment contract is set to expire in calendar year 2020, the employee must be offered a one-year limited contract. Additionally, it specifies that the terms of subsequent employment contracts for such an employee must be in accordance with continuing law.<sup>11</sup>

Currently, a teacher employed by a school district who is eligible for a continuing contract but does not have an evaluation in accordance with current law is presumed to have accepted employment under a continuing contract unless the teacher declines to accept the contract in writing on or before June 15.<sup>12</sup> Similarly, if an individual has been employed by a school district as an assistant superintendent, principal, assistant principal, or other administrator for at least three years but does not have an evaluation in accordance with current law, the individual is automatically reemployed for two years.<sup>13</sup>

## **Furloughing school employees**

The bill permits each school district board of education and each educational service center governing board to adopt a resolution authorizing a temporary, periodic, or continuing furlough of any school employee, including an administrator, teacher, or nonteaching employee. A furlough may be authorized during the period beginning on the bill's effective date

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<sup>9</sup> Section 8.

<sup>10</sup> Section 17(E) of H.B. 197 of the 133<sup>rd</sup> General Assembly.

<sup>11</sup> Section 10.

<sup>12</sup> R.C. 3319.11(D), not in the bill.

<sup>13</sup> R.C. 3319.02(D)(5), not in the bill.

and ending June 30, 2021. A board of education or governing board may furlough an employee if it determines it is necessary (1) because of financial reasons or (2) because the employee is not needed to perform work during that period. Furloughs authorized under the bill must be undertaken in accordance with the recommendation of the superintendent of the school district or service center, as applicable.

A furloughed employee is not paid during the furlough. However, the board of education or governing board may allow the employee to use any available accrued but unused leave the employee has in order to be paid during the furlough. The employee's use of any leave must be consistent with the reasons for which the leave may be used under law. Additionally, a board may allow a furloughed employee to continue to be covered by any policy, contract, or plan of insurance benefits or services during the furlough to the extent permitted by the policy, contract, or plan.

A board may request a furloughed employee to return from furlough at any time. A returning employee resumes the same contract status that existed before the employee was furloughed. However, the employee is not guaranteed the same job assignment the employee held before being furloughed except as provided in a collective bargaining agreement entered into before the bill's effective date. A board's ability to furlough an employee under the bill prevails over any conflicting collective bargaining agreements entered into on or after the bill's effective date.

A board's furloughing authority under the bill is in addition to its continuing law ability to suspend teacher contracts to make a reasonable reduction in the number of teachers employed, and to suspend administrative personnel contracts.<sup>14</sup>

## **OTHER EDUCATION PROVISIONS**

### **Qualify for high school diploma using final course grades in lieu of end-of-course exam scores**

The bill permits a student who was scheduled to take or re-take an end-of-course exam in the 2019-2020 school year, but did not do so because the exam was cancelled, to use the student's final course grade in lieu of an exam score to satisfy conditions for a high school diploma prescribed under continuing law.

The bill specifies that a student who was scheduled to take an end-of-course exam for the first time in the 2019-2020 school year must use the final grade the student received in that school year, while a student who was scheduled to re-take an exam may use a grade from that school year or a prior school year.<sup>15</sup>

For the purposes of determining whether a student satisfies a condition for a high school diploma, the bill establishes how final grades are equivalent to a competency score and

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<sup>14</sup> Section 13. See R.C. 3319.17, 3319.171, and 4117.10, none in the bill.

<sup>15</sup> Section 11(A) and (B).



end-of-course exam performance levels. (For more information on how a competency score and exam performance levels satisfy high school diploma conditions, see “**Background**” below.) Under the bill any “C” grade or higher is equivalent to a competency score, while final grades are equivalent to exam performance levels as indicated on the following table.<sup>16</sup>

Final Grade	Exam performance level
“A+”, “A”, or “A-”	Advanced
“B+”, “B”, or “B-”	Accelerated
“C+”, “C”, or “C-”	Proficient
“D+”, “D”, or “D-”	Basic
“F”	Limited

The bill also establishes how a pass/fail designation may be used to satisfy high school diploma conditions. It specifies that a fail designation is equivalent to a “F” letter grade and an exam performance level of Limited. For a pass designation, the bill specifies that a student’s school district or school must determine to which exam performance level a student’s performance in the class is equivalent. However, it also specifies that earning a pass designation is equivalent to a competency score.<sup>17</sup>

The bill also specifies that a student who completes a course associated with an end-of-course exam must be considered to have completed an administration of that exam for the purposes of determining whether the student may use an alternative demonstration competency in lieu of attaining a competency score.<sup>18</sup>

Finally, the bill permits a student who completed a course associated with an end-of-course exam to choose to take that exam in a subsequent school year.<sup>19</sup>

## Background

Under continuing law, one way a student who entered ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2019 (the Classes of 2018 through 2022) may qualify for a high school diploma is by attaining a cumulative performance score on the end-of-course exams prescribed by the State Board of Education. The State Board prescribed a system under

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<sup>16</sup> Section 11(B)(1) to (6).

<sup>17</sup> Section 11(A)(2) and (B)(7).

<sup>18</sup> Section 11(C).

<sup>19</sup> Section 11(D).

which a student earns a cumulative performance score by earning points toward graduation based on the student’s performance levels on the end-of-course exams.<sup>20</sup>

The following table indicates how a final course grade is equivalent to an exam performance level under the bill, and how many graduation points a student may earn for each exam performance level under continuing law.

Final Grade	Exam performance level	Graduation points
“A+”, “A”, or “A-”	Advanced	5
“B+”, “B”, or “B-”	Accelerated	4
“C+”, “C”, or “C-”	Proficient	3
“D+”, “D”, or “D-”	Basic	2
“F”	Limited	1

Continuing law also requires a student who entered ninth grade for the first time on or after July 1, 2019 (the Class of 2023 and on), and permits a student in the Classes of 2018 through 2022, to qualify for a high school diploma by attaining a “competency score” on each of the Algebra I and English Language Arts II end-of-course exams and earning at least two state diploma seals. Several of the state diploma seals involve attaining a proficient or higher score on one or more end-of-course exams.

Additionally, a student who does not attain a competency score on both the Algebra I and English Language Arts II end-of-course exams after at least two administrations of those exams is permitted to demonstrate competency in the failed subject areas using one of several alternative options prescribed under continuing law.<sup>21</sup>

## Third-Grade Reading Guarantee

### Promotion scores

The bill prohibits the State Board of Education from reviewing and adjusting upward the promotion score for the third grade English language arts assessment for the 2020-2021 school year. Instead, it requires the use of the 2019-2020 school year promotion score for the 2020-2021 school year. It then further requires the State Board to resume reviewing and adjusting

<sup>20</sup> R.C. 3313.618(A)(2) and 3301.0712(B), neither in the bill. Information about the State Board’s system of graduation points can be found here: <http://education.ohio.gov/Topics/Ohio-s-Graduation-Requirements/18-Points-on-State-Tests>.

<sup>21</sup> R.C. 3313.618(A) and (B), and 3313.6114, neither in the bill.

upward the promotion score in accordance with continuing law for the 2021-2022 school year.<sup>22</sup>

Under continuing law, the State Board must determine the level of achievement on the third grade English language arts assessment that a student must attain in order to be promoted to the fourth grade, and to review and adjust upward the level of achievement required for the Third Grade Reading Guarantee until it is equal to “proficient.” For the 2019-2020 school year the achievement score required on the third grade English language arts assessment for promotion was 683.<sup>23</sup>

### **Remediation teacher qualifications**

The bill exempts a teacher assigned to provide intense remediation reading assistance to a student in the 2020-2021 school year under the Third-Grade Reading Guarantee from having to meet the criteria otherwise required under continuing law.<sup>24</sup>

Under continuing law, for any student that is retained under the Third-Grade Reading Guarantee a district must provide intense remediation services to help that student read at grade level.<sup>25</sup> One required service is that the student will be assigned a teacher who satisfies one or more of the following criteria:

1. The teacher holds a reading endorsement on the teacher’s license and has attained a passing score on the corresponding assessment for that endorsement;
2. The teacher has completed a master’s degree program with a major in reading;
3. The teacher was rated “most effective” for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the State Board;
4. The teacher was rated “above expected value added,” in reading instruction, as determined by criteria established by the Department, for the most recent, consecutive two years;
5. The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the State Board;
6. The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.<sup>26</sup>

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<sup>22</sup> Section 12(A).

<sup>23</sup> <http://education.ohio.gov/Topics/Learning-in-Ohio/Literacy/Third-Grade-Reading-Guarantee/Third-Grade-Reading-Guarantee-District-Resources>.

<sup>24</sup> Section 12(B).

<sup>25</sup> R.C. 3313.608(B)(3), not in the bill.

<sup>26</sup> R.C. 3313.608(H), not in the bill.

## Background on the Third Grade Reading Guarantee

The Third Grade Reading Guarantee is a program created to identify students in grades kindergarten through three who are reading below grade level. Schools must administer diagnostic assessments in reading for grades kindergarten through two to identify students who are reading below grade level and to provide intervention services for those students prior to taking the third grade English language arts assessment. If a third grader does not take this assessment or fails to attain the required score, unless otherwise exempted, the student may not be promoted to the fourth grade. A similar guarantee applies to students attending chartered nonpublic schools with state scholarships.<sup>27</sup>

## Reading improvement plans

The bill exempts public schools from two separate provisions requiring the establishment of reading improvement plans in the 2020-2021 school year based on assessment results for the 2019-2020 school year.<sup>28</sup>

Continuing law otherwise requires a school district, community school, or STEM school to establish a reading improvement plan, which must be approved by the district board of education, school governing authority, or school governing body, if less than 80% of its students attain a proficient score or higher on the third grade English language arts assessment.<sup>29</sup>

It also requires that a school district or a community school that failed to meet a specified level of achievement on reading-related measures, as reported on the past two consecutive report cards, must submit a “reading achievement improvement plan” to the Department. Specifically, any district or school that meets *both* of the following criteria must fulfill this requirement:

1. The district or school received a grade of “D” or “F” on the K-3 literacy progress measure; *and*
2. Less than 60% of the district’s or school’s students that took the third grade English language arts assessment prescribed for that school year attained at least a proficient score on that assessment.

For each subsequent year, the district or school must annually submit an improvement plan until it no longer meets both criteria.<sup>30</sup>

## Academic assessment records for home instructed students

The bill exempts parents of students receiving home instruction from the administrative rule requirement to submit an academic assessment record for the 2019-2020 school year to

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<sup>27</sup> R.C. 3301.163 and 3313.608, neither in the bill.

<sup>28</sup> Section 12(C) and Section 14.

<sup>29</sup> R.C. 3301.0715(G), not in the bill.

<sup>30</sup> R.C. 3302.13, not in the bill.

the student's resident school district superintendent as a condition of allowing the student to continue receiving home instruction for the 2020-2021 school year.<sup>31</sup>

Current law, enacted in H.B. 197 of the 133<sup>rd</sup> General Assembly, exempts parents of students receiving home instruction, for the 2019-2020 school year, from submitting the results of a standardized achievement assessment administered for the student, which under the current administrative rule is only one alternative for the academic assessment record. It appears that district superintendents still could require parents to submit a written narrative indicating that a portfolio of samples of the student's work has been reviewed or an alternative assessment, which are the other alternatives for the academic assessment record prescribed in the current administrative rule.<sup>32</sup> The bill temporarily exempts home instructed students from the entire assessment record requirement.

## **Community school sponsor ratings**

H.B. 197 of the 133<sup>rd</sup> General Assembly prohibits the Department from (1) issuing a rating for the academic performance component for community school sponsors, (2) using that rating for the overall rating, and (3) finding a sponsor out of compliance with laws and rules for any requirement for an action that should have occurred while schools were closed due to the COVID-19 outbreak. The bill, on the other hand, prohibits the Department from issuing *any* community school sponsor ratings at all for the 2019-2020 school year. It also removes H.B. 197's prohibition on finding a sponsor or community school out of compliance with an applicable law or administrative rule for any requirement of an action that should have occurred while schools were closed. Instead, the Department must allow community school sponsors to indicate that they could not comply with an applicable law or administrative rule or fully adhere to a quality practice because the action could not be completed while schools were closed.

The bill further specifies that the absence of community school sponsor ratings for the 2019-2020 school year has no effect in determining sanctions or penalties of community school sponsors and does not create a new starting point for determinations that are based on ratings over multiple years. The ratings of any previous or subsequent school years must be considered in determining whether a sponsor is subject to sanctions or penalties.

However, sponsors remain eligible for the 2020-2021 school year for any incentives that the sponsor was eligible for in the 2019-2020 school year. The bill specifically states that the 2019-2020 school year does not count toward the number of years in which a sponsor may not be evaluated if a sponsor previously received a rating of either "exemplary" or "effective" for at least three consecutive years.<sup>33</sup>

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<sup>31</sup> Section 17(L) of H.B. 197 of the 133<sup>rd</sup> General Assembly, amended in Sections 3 and 4 of the bill.

<sup>32</sup> Ohio Administrative Code (O.A.C.) 3301-34-04.

<sup>33</sup> Section 17(F) of H.B. 197 of the 133<sup>rd</sup> General Assembly, amended in Sections 3 and 4 of the bill. See R.C. 3314.016(B)(7)(b), not in the bill.

## Background on sponsor evaluations

The Department annually assigns an overall rating to the sponsors of community schools based on a combination of three equally rated components: (1) the academic performance of students enrolled in community schools under the sponsor's oversight, (2) the sponsor's adherence to quality practices, and (3) the sponsor's compliance with laws and administrative rules. Each component receives an individual rating, and the overall rating is derived from those individual ratings. The ratings are "exemplary," "effective," "ineffective," and "poor."

Sponsors that receive an overall rating of "exemplary" for at least two consecutive years may take advantage of incentives that include (1) renewal of the written agreement with the Department for up to ten years, (2) the ability to extend the term of the contract between the sponsoring entity and the community school beyond the term described in the written agreement with the Department, (3) no limit on the number of community schools the entity may sponsor, and (4) no territorial restrictions on sponsorship. Sponsors that receive an overall rating of "exemplary" or "effective" for three consecutive years can only be evaluated by the Department once every three years.<sup>34</sup>

Continuing law also prohibits a sponsor with an overall rating of "ineffective" from sponsoring any new or additional community schools. These sponsors are also subject to a quality improvement plan based on correcting the deficiencies that led to the "ineffective" rating, with timelines and benchmarks that have been established by the Department. Further, the law generally requires the revocation of the sponsorship authority of (1) a sponsor with an overall rating of "poor" and (2) a sponsor with three consecutive overall ratings of "ineffective."<sup>35</sup>

The academic performance component is primarily derived from the state report card performance measures and is based on the performance of the sponsor's schools for the year for which the evaluation is conducted.<sup>36</sup> Community schools that have been in operation for not more than two full school years or those in which a majority of the enrolled students are children with disabilities receiving special education and related services are excluded from that calculation.<sup>37</sup>

## Services to special needs students

The bill permits licensed nonclassroom personnel providing professional services to students with disabilities through their resident school districts or under the Autism Scholarship or Jon Peterson Special Needs Scholarship programs to provide services electronically or via telehealth communication for the balance of the 2019-2020 school year and the entirety of the

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<sup>34</sup> R.C. 3314.016, not in the bill.

<sup>35</sup> R.C. 3314.016(B)(7)(c) and (d), not in the bill.

<sup>36</sup> R.C. 3314.016(B)(1)(a), not in the bill.

<sup>37</sup> R.C. 3314.016(B)(2), not in the bill.

2020-2021 school year.<sup>38</sup> This is an extension of the authority granted to these personnel in H.B. 197 of the 133<sup>rd</sup> General Assembly, which permits these services to be provided electronically or via telehealth communication for the duration of the Director of Health's order to close schools for the COVID-19 outbreak, or until December 1, 2020, if the order or extension of it has not been rescinded by then.

This authority applies to personnel licensed by the Speech and Hearing Professionals Board; the Occupational Therapy, Physical Therapy, and Athletic Trainers Board; the State Board of Psychology; and the Counselor, Social Worker, and Marriage and Family Therapist Board. It also applies to intervention specialists licensed by the State Board of Education.

### **Online school bus driver training**

The bill requires the Department to develop an online 30-day training program to satisfy the classroom portion of pre-service and annual in-service training for school bus driver certification for the 2020-2021 school year. It also specifies, however, that the on-the-bus training for drivers must continue to be completed in person.<sup>39</sup>

Statutory law regarding school bus driver qualifications requires, among other things, that before a driver may operate a bus for student transportation, the employing district, school, or contractor must submit to the Department the driver's license number, date of birth, date of hire, status of physical evaluation, and status of training. The Administrative Code, on the other hand, contains details about that training and prescribes both classroom and on-the-bus training for pre-service and in-services drivers.<sup>40</sup>

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## **HISTORY**

Action	Date
Introduced	06-02-20

S0319-I-133/ec

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<sup>38</sup> Section 16 of H.B. 197 of the 133<sup>rd</sup> General Assembly, amended in Sections 3 and 4 of the bill.

<sup>39</sup> Section 15.

<sup>40</sup> R.C. 3327.10(G), not in the bill, and O.A.C. 3301-83-10.