

COVID-19 School Flexibility Legislation - Fall 2020

OEA Government Relations Analysis

December 18, 2020

HB 404 (Eff. 11/23/20) and HB 409 (passed Senate 32-0 on 12/17/20; awaits House Concurrence)

Report Cards and Safe Harbor

- Suspends report card letter grades for the 2020-21 school year. (HB 409)
- Establishes a safe harbor from penalties and sanctions for school districts and schools based on the state report card data for the 2020-2021 school year (only ratings from previous and subsequent years are considered). The safe harbor does not affect the awarding of performance-based Educational Choice Scholarships for the 2021-2022 and 2022-2023 school years. (HB 409)

Evaluations

- Prohibits use of student growth measures on 2021-22 evaluations. (HB 404)
- Allows district to NOT complete evaluations in 2020-21 if school board determines it is impossible or impracticable to do so. (HB 404)
- Clarifies evaluation cycles and ratings for certain teachers. (HB 404)

Licensure

- Extends certain licensure deadlines from December 1, 2020 until July 1, 2021. (HB 404)
- Allows an individual to be employed as a substitute teacher according to the district's own educational requirements (instead of the licensure/minimum qualifications otherwise required in current law). (HB 409)

Assessments

- No penalty if district does not complete diagnostic assessments for fall 2020-2021. (HB 404)

Third Grade Reading Guarantee

- Exempts for the 2020-2021 school year schools from retaining a student under the Third Grade Reading Guarantee based solely on the student's academic performance in reading, unless the student's principal and reading teacher determine the student is not reading at grade level and is not prepared for fourth grade. (HB 197 granted this exemption to schools for the 2019-2020 school year.) (HB 409)

State Superintendent Authority

- Extends into 2020-21 the state superintendent's authority to extend various deadlines (district teacher evaluations, district intent to reemploy notifications; school safety drills; emergency management tests; requirements to fill a vacancy on a district board of education; updating teacher evaluation policies; gifted screening requirements). (HB 409)

Miscellaneous

- No penalty if district does not conduct health screening for a student in Kindergarten or first grade who is being quarantined or otherwise medically compromised by COVID-19. (HB 404)
- Extends food processing registration exemption for schools until July 1, 2021. (HB 404)
- Extends the retirant reemployment penalty waiver until July 1, 2021. (HB 404)
- Extends Chancellor of Higher Education authority to extend, waive, or modify requirements of the College Credit Plus Program for the 2020-2021 and 2021-2022 school years. (HB 404)
- Authorizes virtual meetings for public bodies until July 1, 2021. (HB 404)

Remaining SB 358 provisions (passed out of Senate Education Committee but yet to pass full Senate)

High School Graduation

- Extends to the 2020-21 school year a provision that allows students to use their final course grade instead of score on end-of-course exams for the purposes of high school graduation if the test was cancelled. (SB 358)
- Further, allows qualifying students to use course grade in lieu of test score; this includes: students under quarantine; those with medically fragile family members; those in areas where schools are closed due to health order; or those where school is being conducted remotely and the exam cannot be offered remotely. (SB 358)

Testing Waiver

- If the US Department of Education offers a testing waiver, requires the Superintendent of Public Instruction to consult with stakeholder groups (including OEA) and then Superintendent *may* apply for the waiver. (SB 358)

Academic Distress Commissions

- ADC Review Committee Release: Establishes a three-person committee (Governor or designee, House Education Chair, and Senate Education Chair) to review proposals submitted by boards of education that would allow the district to transition out of CEO/ADC control. If ADC review committee recommends approval of a proposal (by majority vote), the state superintendent shall determine whether to approve the proposal and release district. (SB 358)
- Report Card Release: Requires a district to begin transitioning out of CEO/ADC control if the district received a 'D' on the 2018-19 report card. This provision would apply to Lorain City Schools (CEO/ADC would be terminated on May 30, 2021). ODE must pay remainder of CEO contract upon dissolution of ADC. (SB 358)