(133rd General Assembly)
(Substitute House Bill Number 164)

AN ACT

To amend sections 3313.601, 3314.02, 3314.03, 3326.11, 3328.24, and 3781.1010 and to enact sections 3320.01, 3320.02, 3320.03, and 3323.10 of the Revised Code and to amend Sections 265.210 and 265.335 of H.B. 166 of the 133rd General Assembly, as subsequently amended, Sections 16 and 17 of H.B. 197 of the 133rd General Assembly, and Section 7 of S.B. 216 of the 132nd General Assembly regarding student religious expression, regarding retention under the Third Grade Reading Guarantee for the 2020-2021 school year, to make changes to education law for the 2020-2021 school year in response to implications of COVID-19, to require the Department of Education to make an additional payment in fiscal year 2020 or 2021 to certain city, local, exempted village, and joint vocational school districts that experience a decrease in the taxable value of the district's utility tangible personal property and have at least one power plant in their territories, to permit a person to serve on more than five community school governing authorities under certain conditions, to extend until November 30, 2022, the moratorium on the building code requirement for storm shelters for school construction projects, to make changes regarding the Quality Community School Support Program, to provide an additional payment for fiscal year 2020 to school districts that experience a specified reduction in funding, to entitle the act the "Ohio Student Religious Liberties Act of 2019," to make an appropriation, and to declare an emergency.

Be it enacted by the General Assembly of the State of Ohio:

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

Sec. 3313.601. The board of education of each school district may provide for a moment of silence each school day for prayer, reflection, or meditation upon a moral, philosophical, or patriotic theme. No board of education, school, or employee of the school district shall require a pupil to participate in a moment of silence provided for pursuant to this section. No board of education shall prohibit a classroom teacher from providing in the teacher's classroom reasonable periods of time for activities of a moral, philosophical, or patriotic theme. No pupil shall be required to participate in such activities if they are contrary to the religious convictions of the pupil or the pupil's parents or guardians.

No board of education of a school district shall adopt any policy or rule respecting or

promoting an establishment of religion or prohibiting any pupil from the free, individual, and voluntary exercise or expression of the pupil's religious beliefs in any primary or secondary school. ~~The board of education may limit the exercise or expression of the pupil's religious beliefs as described in this section to lunch periods or other noninstructional time periods when pupils are free to associate.~~

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

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

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

(3) "Challenged school district" means any of the following:

(a) A school district that is part of the pilot project area;

(b) A school district that meets one of the following conditions:

(i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code;

(iii) For the 2016-2017 school year and for any school year thereafter, the district has received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C)(1)(e) of that section.

(c) A big eight school district;

(d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code.

(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:

(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;

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

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

(6) "Urban school district" means one of the state's twenty-one urban school districts as

defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

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

A community school that operates mainly as an internet- or computer-based community school and provides career-technical education under section 3314.086 of the Revised Code shall be considered an internet- or computer-based community school, even if it provides some classroom-based instruction, so long as it provides instruction via the methods described in this division.

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

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

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

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

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

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

On or after July 1, 2017, except as provided in section 3314.027 of the Revised Code, any educational service center that sponsors a community school shall be approved by and enter into a written agreement with the department as described in section 3314.015 of the Revised Code.

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

(4) The sponsor of a conversion community school proposed to open in an alliance municipal

school district shall be subject to approval by the department of education for sponsorship of that school using the criteria established under division (A) of section 3311.87 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

(e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A)(2) of section 3314.03 of the Revised Code and as approved by the department under division (B)(3) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher preparation program approved by the state board of education;

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

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

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

(iii) The department has determined that the entity is an education-oriented entity under

division (B)(4) of section 3314.015 of the Revised Code and the entity has a demonstrated record of successful implementation of educational programs.

(iv) The entity is not a community school.

(g) The mayor of a city in which the majority of the territory of a school district to which section 3311.60 of the Revised Code applies is located, regardless of whether that district has created the position of independent auditor as prescribed by that section. The mayor's sponsorship authority under this division is limited to community schools that are located in that school district. Such mayor may sponsor community schools only with the approval of the city council of that city, after establishing standards with which community schools sponsored by the mayor must comply, and after entering into a sponsor agreement with the department as prescribed under section 3314.015 of the Revised Code. The mayor shall establish the standards for community schools sponsored by the mayor not later than one hundred eighty days after July 15, 2013, and shall submit them to the department upon their establishment. The department shall approve the mayor to sponsor community schools in the district, upon receipt of an application by the mayor to do so. Not later than ninety days after the department's approval of the mayor as a community school sponsor, the department shall enter into the sponsor agreement with the mayor.

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

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

(3) A new start-up school that is established in a school district described in either division (A)(3)(b) or (d) of this section may continue in existence once the school district no longer meets the conditions described in either division, provided there is a valid contract between the school and a sponsor.

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

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

chapter.

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

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

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

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

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

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

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

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

(3) No person shall serve on the governing authorities of more than five start-up community schools at the same time unless both of the following apply:

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

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

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

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

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

(ii) Serve as an employee of, or a consultant for, the department, division, or section of the

sponsoring district or service center that is directly responsible for sponsoring community schools, or have supervisory authority over such a department, division, or section, unless at least one year has elapsed since the conclusion of the person's membership on the governing authority.

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

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

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

(a) The sponsor or operator of that community school;

(b) A school district or educational service center that has contracted with that community school;

(c) A vendor that is or has engaged in business with that community school.

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

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

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

(3) Any educational service center that, on June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after June 30, 2007, and may renew its contract with the school. However, the educational service center shall not enter into a contract with any additional community school, unless the governing board of the service center has entered

into an agreement with the department authorizing the service center to sponsor a community school in any challenged school district in the state.

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

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

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

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

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

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

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

(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;

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

(6)(a) Dismissal procedures;

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

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

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

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

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

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

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

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

(10) Qualifications of teachers, including a requirement that the school's classroom teachers

be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.

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

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

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

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

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.074, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

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

(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the state board of education under divisions (J)(1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education

developed by the department under division (J)(3) of section 3313.603 of the Revised Code.

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

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

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

(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code.

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

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

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

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

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

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

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

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

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

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

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply

with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

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

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

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

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

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

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

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

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

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

(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A)(2) of this section is solely to serve dropouts. In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.

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

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

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

Revised Code;

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

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

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

(5) Internal financial controls.

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

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

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the

written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

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

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

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

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

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

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

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

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

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

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

(1) Prayer;

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

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

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

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

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

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

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

(B) Notwithstanding any change to administrative rule adopted by the state board of education prescribing licensure qualifications for teaching a public school preschool integrated class, a teacher who is licensed to teach special education and is employed to teach a public school preschool integrated class on the initial effective date of any rule change prescribing such licensure qualifications may continue to teach a public school preschool integrated class until the teacher retires, resigns, or is reassigned by the employing school, educational service center, or county board of developmental disabilities. Following the retirement, resignation, or reassignment of the teacher, the teacher must meet the licensure qualifications prescribed by administrative rule to teach a public school preschool integrated class. Upon retirement, resignation, or reassignment of the teacher, the school, service center, or county board of developmental disabilities shall employ only a teacher who meets the licensure qualifications prescribed by the rule to teach a public school preschool integrated class.

Sec. 3326.11. Each science, technology, engineering, and mathematics school established under this chapter and its governing body shall comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3320.01, 3320.02,

3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district.

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

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

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

(C) As used in this section, "school building," "public school," and "private school" have the same meanings as in section 3781.106 of the Revised Code.

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

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

Sec. 265.210. FOUNDATION FUNDING

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

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

Of the foregoing appropriation item 200550, Foundation Funding, up to $40,000,000 in each fiscal year shall be reserved to fund the state reimbursement of educational service centers under the

section of H.B. 166 of the 133rd General Assembly entitled "EDUCATIONAL SERVICE CENTERS FUNDING."

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

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

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

Of the portion of the funds distributed to the Cleveland Municipal School District under this section, up to $23,501,887 in each fiscal year shall be used to operate the school choice program in the Cleveland Municipal School District under sections 3313.974 to 3313.979 of the Revised Code. Notwithstanding divisions (B) and (C) of section 3313.978 and division (C) of section 3313.979 of the Revised Code, up to $1,000,000 in each fiscal year of this amount shall be used by the Cleveland Municipal School District to provide tutorial assistance as provided in division (H) of section 3313.974 of the Revised Code. The Cleveland Municipal School District shall report the use of these funds in the district's three-year continuous improvement plan as described in section 3302.04 of the Revised Code in a manner approved by the Department.

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

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

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

Of the foregoing appropriation item 200550, Foundation Funding, a portion may be used to pay college-preparatory boarding schools the per pupil boarding amount pursuant to section 3328.34

of the Revised Code.

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

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

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

Of the foregoing appropriation item 200550, Foundation Funding, up to $100,000 in each fiscal year shall be used to make payments under section 3314.06 of the Revised Code to each community school that operates a program that uses the Montessori method endorsed by the American Montessori society, the Montessori Accreditation Council for Teacher Education, or the Association Montessori Internationale as its primary method of instruction for students younger than four years of age who are enrolled in the school.

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

The remainder of the foregoing appropriation item 200550, Foundation Funding, shall be used to fund the payments included in the state funding allocation under division (A)(1) of the section of H.B. 166 of the 133rd General Assembly entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."

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Enhancements, and 200550, Foundation Funding, other than specific set-asides, are collectively used in each fiscal year to pay state formula aid obligations for school districts, community schools, STEM schools, college preparatory boarding schools, and joint vocational school districts under ~~this act~~H.B. 166 of the 133rd General Assembly. The first priority of these appropriation items, with the exception of specific set-asides, is to fund state formula aid obligations. It may be necessary to reallocate funds among these appropriation items or use excess funds from other general revenue fund appropriation items in the Department of Education's budget, including appropriation item 200903, Property Tax Reimbursement - Education, in each fiscal year in order to meet state formula aid obligations. If it is determined that it is necessary to transfer funds among these appropriation items or to transfer funds from other General Revenue Fund appropriations in the Department's budget to meet state formula aid obligations, the Superintendent of Public Instruction shall seek approval from the Director of Budget and Management to transfer funds as needed.

The Superintendent of Public Instruction shall make payments, transfers, and deductions, as authorized by Title XXXIII of the Revised Code in amounts substantially equal to those made in the prior year, or otherwise, at the discretion of the Superintendent, until at least the effective date of the amendments and enactments made to Title XXXIII by H.B. 166 of the 133rd General Assembly. Any funds paid to districts or schools under this section shall be credited toward the annual funds calculated for the district or school after the changes made to Title XXXIII in H.B. 166 of the 133rd General Assembly are effective. Upon the effective date of changes made to Title XXXIII in H.B. 166 of the 133rd General Assembly, funds shall be calculated as an annual amount.

Sec. 265.335. QUALITY COMMUNITY SCHOOLS SUPPORT

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

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

(1) The community school meets all of the following criteria:

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

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

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

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

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

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

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

(c) The school is replicating an operational and instructional model used by a community school described in division (B)(1) of this section.

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

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

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

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

(ii) Meets all of the following criteria:

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

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

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

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

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

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

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

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

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

profession.

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

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

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

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

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

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

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

Sec. 17. Notwithstanding anything in the Revised Code or Administrative Code to the contrary, for the 2019-2020 school year only, except as otherwise provided in this section, due to the Director of Health's order under section 3701.13 of the Revised Code "In re: Order the Closure of All K-12 Schools in the State of Ohio" issued on March 14, 2020, or any local board of health order, and any extension of any order, based on the 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 school year shall not count in determining if the student is subject to withdrawal from a school pursuant to section 3313.6410 or 3314.26 of the Revised Code.

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

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

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

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

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

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

(c) Provisions for academic distress commissions under section 3302.10 of the Revised Code.

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

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

(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;

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

(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.

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

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

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

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

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

(2) A city, exempted village, local, or municipal school district, a community school, a STEM school, a chartered nonpublic school, the State School for the Blind, and the State School for the Deaf shall grant a high school diploma to any student to whom this section applies, if the student's principal, in consultation with teachers and counselors, reviews the student's progress toward meeting the requirements for a diploma and determines that the student has successfully completed the curriculum in the student's high school or the individualized education program developed for the student by the student's high school pursuant to section 3323.08 of the Revised Code, or qualified

under division (D) or (F) of section 3313.603 of the Revised Code, at the time the student's school closed pursuant to the Director of Health's order under section 3701.13 of the Revised Code "In Re: Order the Closure of All K-12 Schools in the State of Ohio" issued on March 14, 2020. No district or school shall grant a high school diploma under division (D)(2) of this section after September 30, 2020.

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

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

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

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

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

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

~~In evaluating a sponsor based on the components in divisions (B)(1)(b) and (c) of section 3314.016 of the Revised Code for the 2019-2020 school year, the Department shall not find a sponsor or a school out of compliance with an applicable law or administrative rule for any requirement for an action that should have occurred while schools were closed pursuant to the Director of Health's~~

~~order under section 3701.13 of the Revised Code "In Re: Order the Closure of All K-12 Schools in the State of Ohio" issued on March 14, 2020, any local board of health order, or any extension of an order.~~

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

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

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

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

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

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

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

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

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

(6) Updating of teacher evaluation policies to conform with the framework for evaluation of

teachers adopted under section 3319.112 of the Revised Code;

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

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

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

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

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

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

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

Sec. 7. Notwithstanding the amendment or repeal of sections 3319.111, 3319.112, and

3319.114 of the Revised Code by ~~this act~~ S.B. 216 of the 132nd General Assembly, for the 2018-2019 and 2019-2020 school years, the following shall apply:

(A) Each school district, other than a district participating in the pilot program established under Section 6 of ~~this act~~ S.B. 216 of the 132nd General Assembly, shall conduct teacher evaluations in accordance with those sections as they existed prior to ~~the effective date of this section~~ November 2, 2018, except that if the district board of education, in the 2019-2020 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 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 school year 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 ~~the effective date of this section~~ 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 8. That existing Section 7 of S.B. 216 of the 132nd General Assembly is hereby repealed.

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

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

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

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

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

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

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

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

(d) The change in taxes charged and payable on such change in taxable value calculated in

the same manner as in division (A)(3) of section 3317.021 of the Revised Code.

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

(a) The lesser of the following:

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

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

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

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

(a) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2020 was less than the taxable value of such property during tax year 2017;

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

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

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

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

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

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

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

(a) The lesser of the following:

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

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

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

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

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

SECTION 10. Notwithstanding anything to the contrary in sections 3319.02, 3319.111, and 3319.112 of the Revised Code, a school district board of education shall not use value-added progress dimension data established under section 3302.021 of the Revised Code, any other high-quality student data as defined by the state board of education under section 3319.112 of the Revised Code, or any other student academic growth data to measure student learning attributable to a teacher or principal while conducting performance evaluations under sections 3319.02, 3319.111, and 3319.112 of the Revised Code for the 2020-2021 school year. Rather, a district board shall use only the other evaluation factors and components prescribed under sections 3319.02, 3319.111, and 3319.112 of the Revised Code to conduct a teacher's or principal's performance evaluation under those sections for that school year. Nothing in this section shall be construed to prohibit a district board from considering as part of a teacher's or principal's evaluation how that teacher or principal collects, analyzes, and uses student data, including student academic growth data, to adapt instruction to meet individual student needs or to improve the teacher's or principal's practice.

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

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

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

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

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

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

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

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

(e) The State School for the Deaf;

(f) The State School for the Blind;

(g) A chartered nonpublic school.

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

(B) Notwithstanding anything to the contrary in sections 3313.618 and 3313.6114 of the Revised Code, a student who was scheduled to take or retake an end-of-course examination in the 2019-2020 school year, but did not do so because the administration of that examination was canceled, may use the student's final course grade in the course associated with that examination in lieu of a score on the examination to satisfy conditions for a high school diploma prescribed under sections 3313.618 and 3313.6114 of the Revised Code. A student who was scheduled to take the end-of-course examination for the first time in the 2019-2020 school year may use the final course grade for the qualifying course that the student completed in that school year, while a student who was scheduled to retake the examination in the 2019-2020 school year may use a final course grade for a qualifying course that the student completed in the 2019-2020 school year or a prior school year. For the purposes of determining whether a student satisfies a condition, a final course grade shall be equivalent to a level of skill prescribed under division (B)(5)(a) of section 3301.0712 of the Revised Code or a competency score prescribed under division (B)(10) of that section, as follows:

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

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

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

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

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

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

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

(C) A student who completed a qualifying course in the 2019-2020 school year shall be deemed to have completed an administration of the end-of-course examination associated with that course for the purposes of determining whether that student may demonstrate competency in a subject area using one of the options prescribed under divisions (B)(1)(a) to (c) of section 3313.618 of the Revised Code.

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

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

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

The State Board shall resume reviewing and adjusting upward the level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code for the third grade

English language arts assessment in accordance with that division for the 2021-2022 school year.

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

(C) No school district or community school established under Chapter 3314. of the Revised Code shall be subject to section 3302.13 of the Revised Code in the 2020-2021 school year based on either assessment results or report cards issued under section 3302.03 of the Revised Code for the 2019-2020 school year.

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

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

SECTION 16. (A) As used in this section:

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

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

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

(4) "STEM school" means a STEM school established under Chapter 3326. of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 17. Notwithstanding any provision of the Revised Code or any rule of the State Board of Education to the contrary, a superintendent of a school district may employ or reassign a person licensed under section 3319.22 of the Revised Code to teach a subject area for which the person is not licensed or a grade level for which the person is not licensed that is within two grade levels of the person's licensure grade band for the 2020-2021 school year if that person has three or more years of teaching experience.

SECTION 18. (A) Notwithstanding section 3301.163, 3313.608, or any other section of the Revised Code, for the 2020-2021 school year, 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 who fails to attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the fall administration of the third grade English language arts assessment as prescribed under that section for the 2020-2021 school year if the student has demonstrated competency as described in division (B) of this section.

(B) If the student's principal and reading teacher agree that other evaluations of the student's

skill in reading demonstrate that the student is academically prepared to be promoted to the fourth grade the student shall be promoted.

SECTION 19. For fiscal year 2020, the department of education shall pay each city, local, and exempted village school district additional funds computed as follows:
(0.94 X the amount calculated for the district for fiscal year 2020 under division (A) of Section 265.220 of H.B. 166 of the 133rd General Assembly prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020) - (the amount calculated for the district for fiscal year 2020 under division (A) of Section 265.220 of H.B. 166 of the 133rd General Assembly including any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020 + any funding received by the district from the federal Elementary and Secondary School Emergency Relief Fund established by the "Coronavirus Aid, Relief, and Economic Security Act," Pub. L. No. 116-136)

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

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

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

FOUNDATION FUNDING

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

Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures

from appropriations contained in this act shall be accounted for as though made in H.B. 166 of the 133rd General Assembly.

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

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

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

SECTION 23. Sections 3314.02 and 3781.1010 of the Revised Code as amended by this act, section 3323.10 of the Revised Code as enacted by this act, Section 265.210 of H.B. 166 of the 133rd General Assembly as amended by this act, Sections 16 and 17 of H.B. 197 of the 133rd General Assembly as amended by this act, Section 7 of S.B. 216 of the 132nd General Assembly as amended by this act, and Sections 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 of this act are hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to ensure that the changes made by this act take effect before the start of the 2020-2021 school year. Therefore, those sections shall go into immediate effect.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

_____

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

_____

Secretary of State.

File No. _____ Effective Date _____