

Catholic Conference of Ohio Legislative Summary for End of 133rd GA

School Choice

Ed Choice (SB 89) – Establishes new student eligibility based on public schools meeting both of the following:

- the building is ranked in the lowest 20 of public schools within the performance index rankings in the two most recent years for which report cards are available;
- the building is operated by a school district in which, for the three school years prior to the school year for which the scholarship is sought, an average of 20 percent or more of the students entitled to attend school in the district were qualified to be included in the formula to distribute Title I funds;

The priority application for traditional EdChoice now opens on March 1, allowing the legislation to become effective before the application period.

A performance-based scholarship sought for the 2021-2022 or 2022- 2023 school year under the performance index ranking criteria must be based on performance index rankings for each of the 2017-2018 and 2018-2019 school years. Performance index rankings for the 2020-2021 school year are only used to determine student eligibility beginning in the 2023-2024 school year.

Included is a provision for a student qualifying for a first time, performance-based scholarship for the 2021-2022 school year if the student meets all of the following:

- was enrolled in school in any of grades K-12, or homeschooled for the equivalent, in the 2020-2021 school year;
- qualified for a performance-based scholarship for the 2020-2021 school year;
- would be enrolled in a district school building that was Ed Choice designated in the 2019-2020 school year.

Per SB 89, the Legislative Service Commission's simulation indicates 473 public schools will be on the Ed Choice list for the 2021-2022 school year. The ODE will authenticate the actual list of schools.

In addition, the income level for the EdChoice Expansion Program was increased from 200 to 250 percent over poverty for first-time families to be eligible for a scholarship. This adjustment will allow families to earn several thousand dollars more in income while meeting the poverty threshold for children to receive a scholarship. For example, the poverty threshold for a family of four is increased from \$52,400 (200 percent) to \$65,500 (250 percent). The Governor signed this legislation into law, effective by or before the date for the priority application.

Note – Continuing law: a student is not awarded an income-based scholarship if he or she is eligible for a traditional Ed Choice Scholarship.

HB 409 -- Safe harbor regarding state report card ratings for the 2020-2021 school year does not affect the awarding of performance-based Educational Choice (Ed Choice) scholarships for the 2021-2022 and 2022-2023 school years. An emergency clause was attached to the bill. (*Effective Jan. 13, 2021*)

Testing

HB 409 -- The bill exempts schools from retaining a student under the Third-Grade Reading Guarantee based solely on the student's academic performance in reading, unless the student's principal and reading teacher determine the student is not reading at grade level and is not prepared for fourth grade. This provision applies to students attending chartered nonpublic schools with an Educational Choice or Cleveland scholarship. (*Effective date/please see above*)

HB 436 -- This legislation primarily addresses dyslexia screening and Intervention for students enrolled in public schools. An amendment was adopted onto the bill clarifying that students who participate in state-sponsored scholarship programs can be administered alternative assessments in lieu of state tests in grades 3-8.

Repealed is the provision in the Revised Code requiring students on Jon Peterson Special Needs Scholarships to take state tests.

The amendment clarifies that a student who participates in the state scholarship programs is exempt from the state achievement assessments for the purpose of renewing the scholarship if one of the following applies:

- the student has a disability and is excused from the achievement assessment requirements under federal law, the student's individualized educational program, or a plan adopted by the chartered nonpublic school that the student attends;
- the chartered nonpublic school that the student attends has received a waiver from administering assessments to all of its students because it meets specified criteria;
- the student is in grades 3-8 and takes an alternative assessment approved by the Department;
- the student is not required to take the ACT or SAT due to a significant cognitive or intellectual disability.

(*Effective April 9, 2021*)

Note -- Continuing law: chartered nonpublic school students in grades 9-12 can fulfill testing requirements for graduation by taking an alternative assessment approved by the ODE in lieu of a state test. High school students on state sponsored scholarships can satisfy testing requirements by taking an approved alternative assessment.

Requirements for Substitute Teachers

HB409 -- Permits a public or chartered nonpublic school to employ as a substitute teacher, for the remainder of the 2020/2021 school year only, and in accordance with the district's or school's own

educational requirements, an individual who does not hold a post-secondary degree. Under HB 409, the State Board of Education must issue a temporary substitute teaching license to the person, provided the person satisfies other requirements of statutory law and administrative rules. An emergency clause is attached to the bill. (*Effective date/please see above*)

School Safety

HB 123 – This legislation transfers to the Director of Public Safety (from the State Board of Education) the responsibility to adopt rules pertaining to Emergency Management Plans.

· **School Threat Assessment Plans**-- The bill requires each school building administrator to incorporate into the school building's existing emergency management plan (1) a school threat assessment plan and (2) a protocol for the building's threat assessment team. It also requires that no later than 2 years after the bill's effective date, the Department of Public Safety, in consultation with ODE and the Attorney General, develop a model threat assessment plan that schools *may* utilize.

Note – Continuing law: chartered nonpublic schools must complete Emergency Management Plans and be eligible for School Safety Training Grants.

· **Suicide Awareness and Prevention** – The bill adds to the Health Education requirements in RC3313.60, a requirement for each school serving students in grades 6-12 to provide annual instruction (one hour or one standard class period per year) in each of the following: (1) suicide awareness and prevention, (2) safety training and violence prevention, (3) social inclusion. These requirements are effective beginning with the next school year that begins at least 2 year's after the bill's effective date. The law is silent on the content of this instruction.

A student shall be excused from taking instruction in any/all of these three areas upon written request of the student's parent or guardian.
(*Effective March 24, 2021*)

Note – Chartered nonpublic schools are not specified as exempt from RC 3313.60, a section of code covered by Ohio's Operating Standards.

School Health

HB 231 – The bill authorizes both public and chartered nonpublic schools to procure a supply of injectable or nasally administered glucagon without a license for use in emergency situations for individuals with diabetes. Schools are permitted to receive donations of injectable and nasally administered glucagon from drug manufacturers and wholesale distributors and to receive donations for this purpose. The school is required to adopt a policy authorizing the maintenance and use of glucagon and must consult with a licensed health provider (one who can prescribe drugs) in developing this policy. The bill also requires the school to report to the ODE each procurement and each occurrence in which a dose of the drug is used from its supply.

(Effective April 8, 2021)

Whatever Happened to...?:

HB 305/SB 376 – (school funding issues) -- Both bills address adequacy and equity in funding, primarily for public education. However, the legislation discontinued deductions for scholarship programs (traditional Ed Choice & JPSNSP) from the state's share of district funding and provided new foundation funding in the state budget. In addition, funding for bus transportation was significantly increased. Both bills died at the end of the 133rd General Assembly. However, the bills are expected to be introduced in the 134th General Assembly.

HB 310 – (consequences for harassment, intimidation, or bullying) – This legislation favorably passed in the House, but stalled in the Senate. It required school districts, community schools, and STEM schools to adopt policies in undertaking disciplinary action against a student who commits an offense of harassment, intimidation, or bullying. It also required chartered nonpublic schools to adopt a policy addressing harassment, intimidation, or bullying, submit the policy to the Department of Education and post it on the school's website if the school has a code of conduct on the website. The bill died at the end of the 133rd General Assembly.

HB342 (financial literacy) -- This legislation did not pass favorably during the lame duck session. It specified that, beginning with the 2023-2024 school year, each public school and chartered nonpublic school must require an individual to have an educator license validation in financial literacy to provide the one-half unit of instruction in financial literacy.

SB 350 (bus transportation) -- This bill did not pass during the lame duck session. It required the ODE to deduct from the district's payment for student transportation the total daily amount of that payment for each day the district is not in compliance with state requirements.

01/14/2021
