

Legal Update

May 2020

Sunshine Law Training

Each community school board member, fiscal officer, chief administrative officer, other administrative employees, and all individuals performing supervisory or administrative services for the school must complete training on public records and open meetings laws every year.

If you or anyone involved in the administration of your school has not yet completed training, please contact our office to arrange training:

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The Ohio Attorney General also offers an on-line training course which is accessible at:

<https://sunshinelaw.ohioattorneygeneral.gov/>

Note, the AG training requires participation for 3 hours in order for a certificate to be issued.



This Edition

HB 549
COVID-19 Guidance

Student Attendance During the Coronavirus Crisis

While Ohio House Bill 197 provides flexibility in allowing schools to provide instruction remotely during the COVID-19 crisis, the emergency legislation does not waive the instructional hours requirements. Community schools still must provide a minimum of 920 hours of learning opportunities this school year as in any other year.

Notably, e-schools (internet- or computer-based schools) and schools utilizing blended learning are to continue operations as usual and document all non-classroom-based learning opportunities in order for attendance to count and thus funding to remain.

Schools should implement and/or update their plans for short-term calamities pursuant to ORC 3313.482. These plans can now be revised to address the longer-term school-building closures. While recognizing flexibility in scheduling and methods of providing learning opportunities, ODE has warned that schools should not consider ending the school year early.

HB 197 did not waive the absence and truancy requirements of HB 410. However, the state recognizes that tracking student attendance under the current circumstances is extremely complicated and as such will deem students as in attendance during the ordered school-building closures. Students will not accrue absence hours toward truancy during this time and thus should not be placed on formal absence intervention plans. (Though, schools must still monitor intervention plans that existed prior to the crisis.) Notably, limited or no chronic absenteeism data will be reported on the 2019-2020 local report cards.

Lastly, while all students will be counted as present during this time, ODE is expecting schools to make good faith efforts to ensure students are regularly participating in educational opportunities and are provided with supports when needed.





Local Report Cards in the Wake of COVID-19

Undoubtedly, Ohio's ordered school-building closures will have substantial impacts on the state's accountability system for the 2019-2020 school year. The General Assembly recognized this in HB 197 and aims to have schools and educators focus on addressing health and safety needs.

The emergency legislation eliminates ODE's publication of this year's local report cards and prohibits the assignment of an overall grade or an individual grade to any local report card component. Correspondingly, schools will not be ranked this year.

ODE will, for informational purposes only, report by September 15, 2020 any data

that it already has collected regarding the performance of schools. This means that data won't represent the full picture of a school's academic performance. However, it can be helpful for planning purposes. Such information may include graduation rates (grad rate always lags by one year, so the data will represent the rate for the 2018-2019 school year), partial data on improving At-Risk K-3 Readers, and Prepared for Success measures.

Dropout Prevention and Recovery report cards may have the 4, 5, 6, 7 and 8 year graduation rates reported, (again, all of which would reflect 2018-2019 school year data lagged.)

The emergency legislation also creates a safe harbor from numerous consequences and carryover of previous requirements based on report card results. Significant safe harbor provisions for community schools include that the 2019-2020 will not count toward permanent closure or restrictions on changing sponsors.

Note, however, that the lack of report card data this year does not create a new starting point for determinations that are based on ratings over multiple years. So, if a school was subject to penalties in the 2019-2020 school year based on its report card from previous years, those penalties remain for 2020-2021.

Q & A

Q: Will graduation ceremonies occur for seniors this year?

A: ODE and the Ohio Department of Health released a joint statement urging schools to be thoughtful and careful in choosing and planning the best way to celebrate graduation. The departments strongly recommend virtual graduations as the safest. However, the statement does provide guidance regarding in-person ceremonies that also follow social distancing best practices and comply with mass gathering limits.

Suggestions for in-person ceremonies include drive-thru graduations in which students and their families drive up to the school to receive the diploma. Another suggestion is the single family in-person graduation in which families are called into an auditorium 1-by-1 with no more than 10 people present including the school administrators.

Schools holding in-person events are advised to involve local health departments and law enforcement to ensure health and safety protocols are followed appropriately.

Proposed Ban on For-Profit Management

Ohio House Bill 549 introduced March 12, 2020 proposes banning for-profit companies from managing Ohio charter schools beginning with the 2023-2024 school year.

The legislators who proposed the bill cited the need for increased transparency and oversight of public funds and claim that removing the profit motive will increase academic achievement. While one teachers' union cited D and F grades of a majority of charters operated by for-profits as a justification for the bill, statewide statistics show that schools operated by for-profits have better or at least equal overall grades to those operated by non-profits.

At the time of this publication speculation is that the bill will not move forward in the legislative process as legislators prepare for elections in the fall.

178 of Ohio's 313 charter schools are operated by for-profit management companies.

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