

# Legal Update

July 2020

## Course Grades in lieu of End-of-Course Exams

HB 164 permits a student who was scheduled to take or re-take an end-of-course exam in the 2019-2020 school year, but did not do so because the exam was cancelled, to use the student's final course grade in lieu of an exam score to satisfy conditions for a high school diploma.

The bill also specifies that a student who was scheduled to take an end-of-course exam for the first time in the 2019-2020 school year may use a final grade for a course completed in that year, while a student who was scheduled to re-take an exam may use a grade for a course completed in that year or a prior school year.



HB 164

## Ohio Student Religious Liberties Act of 2019

As this month's edition details, Ohio House Bill 164 covers a wide range of education related matters. However, the bill was originally introduced to address religious expression in schools.

The bill requires public schools (which includes community schools) to give students who wish to meet for the purpose of religious expression the same access to school facilities given to secular student groups, without regard to the content of the expression.

The bill removes a current provision of law that permits schools to limit the exercise or expression of religion to lunch periods or other periods of non-instructional time. It allows students enrolled in public schools to engage in religious expression before, during, and after school hours in the same manner and to the same extent

that a student may engage in secular activities or expression before, during, and after school hours.

HB 164 prohibits public schools from restricting a student from engaging in religious expression in the completion of homework, artwork, or other assignments. The bill further prohibits public schools from rewarding or penalizing a student based on the religious content of the student's homework, artwork, or other assignments.

In order to be compliant with the new Act, boards should ensure their school's current policies and practices do not curtail these religious expressions.



## Remote Learning Plan

HB 164 permits certain public schools, including brick and mortar community schools, that have not otherwise been approved to use a blended learning model to adopt a plan for providing instruction using a remote mode for the 2020-2021 school year.

If a school adopts and implements such a plan, the school will then be considered to have complied with legal requirements regarding the minimum number of school hours and a student who receives instruction under the plan will be

A plan must include:

1. Description of how student instructional needs will be determined and documented.
2. Method to be used for determining competency, granting credit, and grad level promotion.
3. Attendance requirements, including how participation will be documented.
4. Description of how student progress will be monitored.
5. Description as to how equitable access to quality instruction will be ensured.
6. Description of the professional development activities that will be offered to teachers.

While the bill requires that the plans be submitted to ODE by July 31, 2020, it also specifies that the Department will not be approving the plans.

Even absent ODE approval of the plan's sufficiency, documentation of the plan's implementation is highly recommended as auditors and/or FTE reviewers will likely be assessing execution of the plan.

Lastly, some sponsors may request plans in advance of the state due date. As such, your board should hold a July meeting for approval of a plan.

## 3<sup>rd</sup> Grade Reading Guarantee

For the 2020-2021 school year only, HB 164 prohibits schools from retaining a student in 3<sup>rd</sup> grade who does not earn a passing score on the fall administration of the 3<sup>rd</sup> grade English language arts achievement assessment if the student's principal and reading teacher that other evaluations of the student's skill in reading demonstrate that the student is prepared to be promoted to grade 4.

Further, the bill prohibits the State Board of Education from increasing the promotion score for the 3<sup>rd</sup> grade English language arts assessment for the 2020-2021 school year, and, instead, requires the use of the 2019-2020 promotion score for the 2020-2021 school year.

Lastly, HB 164 exempts for the 2020-2021 school year teachers assigned to provide intense reading remediation from having to meet the current 3<sup>rd</sup> Grade Reading Guarantee criteria (a reading endorsement on the license; completed a reading major master's degree; or rated "most effective" for 2 consecutive years in reading instruction.)

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## Q & A

**Q: Does HB 164 change the limit of serving on 5 community school boards?**

**A: Yes, but only under very specific circumstances.**

While current law prohibits individuals from simultaneously serving on the governing authority of more than 5 start-up community schools, HB 164 permits a person to serve on the governing authority of more than 5 start-up community schools, as long as:

- 1) The person serves in a volunteer capacity on every governing authority and receives no compensation related to that service from any governing authority &
- 2) For any school that has an operator, that operator is a nonprofit organization.