

Legal Update

September/October 2020

COVID Reporting

K-12 schools are required to establish a mechanism for parents and guardians to report confirmed cases of COVID-19 among their students.

Schools are required to notify parents/guardians in writing about each positive COVID case amongst students and school staff. Schools also need to make non-identifying information about positive COVID-19 cases publicly available as well as report cases to the local health department.

Each school is required to have a COVID-19 Coordinator to ensure the notification and reporting occurs.

Masks Required

The Ohio Department of Health issued an order requiring K-12 students to wear face coverings. The mandate applies to any indoor school location, outdoor school property when unable to maintain six feet of distance, and when waiting for a school bus outdoors and unable to maintain six feet distance. Exemptions are permitted for medical conditions, disabilities, and religious reasons, amongst others.



This Issue

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COVID Legal Immunity for Schools and other Entities

Last month Governor DeWine signed House Bill 606 - legislation to temporarily give "essential" operations, such as certain businesses, healthcare providers, and schools, legal immunity from coronavirus-related civil claims.

As thousands of lawsuits are being filed nationwide, Ohio's new law is intended to help ensure that school officials and employers will not be hesitant to open out of fear of liability for the unintentional role they might play in spreading the virus. HB 606 is dubbed the "Good Samaritan Expansion Bill."

Proponents of the bill assert that immunity is needed to help Ohio's economy by allowing business owners to feel protected in opening up their businesses. Employers protected from liability for injury, death, or loss that was caused by the transmission of the coronavirus include, amongst others, schools, healthcare workers, grocers, and churches.

Critics argue that Ohio law already protects against frivolous lawsuits and that the bill will encourage businesses to do only the bare minimum to protect people from the dangers of the virus.

HB 606 does not prevent all lawsuits against schools, business, and governmental entities. Still permitted are legal claims in which an entity is accused of intentional or wanton misconduct or reckless disregard in spreading COVID-19.

The bill is a temporary measure. It applies to acts, omissions, conduct, decisions, or compliance from March 9, 2020, the date of the Governor's Executive Order declaring a state of emergency, through September 2021.



Local Report Cards

On September 15th ODE released the 2019-2020 Local Report Cards.

However, due to the disruption caused by the Coronavirus pandemic, significantly less data is included than in the past. This year the report cards do not include any information about performance on state assessments, academic growth of students during last school year, nor data on closing achievement gaps. No overall school grades appear as well.

This year's report cards do, however, provide data on graduation rates and Prepared for Success measures. Also, much of the usual demographic and enrollment data is available along with other school operational details.

Statewide this year's report card results show:

Continued improvement in graduation rates, with the 4-year graduation rate at 85.9% for the Class of 2019, up from 85.3% in 2018.

More students meeting the Prepared for Success measure.

Gains in industry-recognized credentials and dual enrollment, with 18,200 students in the classes of 2018 and 2019 earning credentials, an increase of 3,427 from 2017.

You can access your school's report card at reportcard.education.ohio.gov

Information explaining the report card metrics can be found at: [Report Card Resources for the 2020 Report Card User Guide.](#)

Q: With the COVID-19 pandemic affecting how Ohio students are participating in school this year, will schools still be required to administer state assessments?

A: Yes. While the US Secretary of Education, Betsy DeVos granted states waivers last school year to bypass assessment and accountability measures required by Every Student Succeeds Act, she has stated that she will not do so again for the 2020-2021 school year.

Members of the Ohio Senate proposed a resolution urging the US Secretary of Education to extend the waivers through the 2020-2021 school year, citing the ongoing burden of the pandemic, the priority of the health and safety of students and staff, and the digital divide and information gap's disproportionate disadvantage to high-poverty students and schools.

Despite, Ohio and many other states requests, DeVos announced to state chief school officers that the Trump administration will not grant waivers.

Fall Reminders

Annual Budget & 5-Year Forecast

Each fall community school boards must work with their fiscal officer to develop an annual budget in the format established by the state.

The budget must be adopted by the board and provided to your sponsor for submission to the state by October 31st.

Additionally, a 5-year forecast which includes this year's budget and projections of the ensuing 4 fiscal years must be submitted by November 30th.

Your school's sponsor may require an earlier date by which these items must be submitted to them.

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Annual Reports

Each year by October 31st every community school is required to prepare an annual report including information on the activities of the school, the progress in meeting the academic goals and state standards, and the school's financial status. Submission to your sponsor may be required by an earlier date.

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