

Legal Update

December 2020

Happy Holidays

Our team at Amy Goodson Co., LLC wishes you very happy holidays!

It has been our pleasure to work for and with you this past year. We thank you for the opportunity to have done so.

We look forward to our continued work together in 2021.

Our best,
Rebecca
Becky
Amy
Carlena



This Issue

House Bill 404

Year End Reminders

Permissibility of Virtual/Telephonic Meetings Extended

When COVID-19 initially appeared in Ohio, the General Assembly enacted House Bill 197 temporarily allowing public bodies, such as charter school boards, to conduct meetings by way of teleconference, video conference, or other similar electronic technology.

So many months ago, Ohio legislators likely did not expect that the pandemic would still be raging into the winter. As such, the provision of HB 197 permitting public officials to conduct meetings without in-person presence was set to expire at the earlier of December 1, 2020 or whenever the period of emergency ended. With Ohio Coronavirus cases higher than ever in November, clearly the period of emergency was not ending and thus an extension of the temporary authorizations became necessary.

Last month, the General Assembly passed and Governor DeWine signed Amended House Bill 404, extending the permissibility of virtual and telephonic meetings through July 1, 2021.

Because HB 404 contains an emergency clause, Ohio's regular legislative effective date of 90 days following the governor's signature did not apply, allowing the law to become effective immediately upon the governor's signature.

The bill also addresses numerous other COVID and school related matters. See the reverse of this publication for a summary of those changes.



House Bill 404

In addition to extending the ability for school boards to meet by phone or remote technology, Ohio House Bill 404 extends numerous temporary measures and provides schools with other COVID-19 related accommodations, such as the following:

- Extends Seamless Summer Options meal program through July 1, 2021 allowing schools to provide more than one day's worth of meals to children via a single meal pick-up or delivery.

- Prohibits the state from penalizing schools for failing to administer kindergarten readiness, diagnostic, or 3rd grade reading assessments. (Schools may elect to administer tests if desired.)

- Prohibits the state from penalizing schools for failing to administer kindergarten or 1st grade health screenings by November 1, 2020 to students who are quarantining or who are unable to attend school due to the student or family being medically compromised, or those residing in an area with a stay-at-home order.

- Allows community schools to continue accepting responsibility to provide or arrange for student transportation for the 2020-2021 school year even without having provided the statutorily required notification to the district by January 1, 2020. Further allows community schools which do take on transportation to receive state transportation funding for the entire school year.

- Extends validity of teaching licenses which expire on or before April 1, 2021 to July 1, 2021.

Q: Is there any update on testing waivers for this school year?

A: Yes. Bi-partisan legislation (SB 358) was introduced in the Ohio General Assembly to address school accountability issues in light of the continuation of the COVID-19 pandemic. The bill proposes to extend the current exemption from administering state achievement assessments for the 2020-2021 school year and would prevent ODE from publishing report card grades for 2020-2021 and 2021-2022.

However, the Ohio Department of Education must seek permission from the US Department of Education in order to not administer the state assessments. The Trump administration's DOE has indicated they will not grant states such waivers.

However, with the change in the presidential administration in January, that view could change and the new Secretary of Education could grant waivers.

End of the Calendar Year Reminders

Though your school's fiscal year runs from July 1st through June 30th, some calendar year end dates are worth noting.

If your board's sponsor contract is due to expire June 30, 2021 and you do not wish to renew with that sponsor, you must notify your sponsor by December 31st. Your sponsor should be notifying you soon whether they have elected to renew. By law, they must notify you by January 15th.

Similarly, if your board's management agreement is due to expire June 30, 2021 your agreement may require 180 days or 6 months' advance notice of your intent to non-renew so that automatic renewal provisions do not take effect. If that is the case for your board, you may wish to notify your current operator by December 31st of your intent to non-renew so that you preserve your right to at least negotiate new terms.

This publication is provided for informational purposes only.

The information contained herein does not constitute legal advice nor does it create an attorney-client relationship.

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