

Legal Update

June 2021

Virtual Meetings Update

As you well know by now, the COVID pandemic prompted changes in law to allow public bodies such as community school boards to meet via teleconference, videoconference, or other similar technologies.

First HB 197 allowed virtual meetings through December 1, 2020. Currently House Bill 404 allows the same through July 1, 2021. House Bill 110, the state budget bill, proposes to extend the temporary law through December 31, 2021.

House Bill 43, introduced in the beginning of February, proposes to permanently modify the Open Meetings law to permit public bodies to meet virtually. The bill is currently pending in House committee.



This Issue

House Bill 110

The State Budget Bill – Proposed Education Changes

House Bill 110 is the most recent state biennial budget proposal. As is usual in Ohio, the bill contains not only funding items, but many substantive legal changes. Several education law changes include:

- Prohibiting the automatic closure of community schools and dropout prevention and recovery schools on the basis of any report card rating issued prior to the 2022-2023 school year.

- Waiving the requirement that a community school automatically withdraw any student who, without legitimate excuse, fails to participate in 72 consecutive hours of learning opportunities, for the 2021-2022 school year only.

- Allowing parents to opt out of statewide administration to high school juniors of the SAT/ACT.

- Eliminating the governor's requirement that each high school student complete a FAFSA financial aid form as a prerequisite for graduating.

- Requiring approval by the Joint Committee on Agency Rule Review (JCAR) to any proposed changes to EMIS (the Education Management Information System) or the Department of Education's business rules and policies that may affect community schools.

- Requiring each school district with fewer than 20 community schools and chartered nonpublic schools located in the district to develop transportation plans for students enrolled in those schools based on the schools' start and end times.





Ohio School Funding Update

In April the Ohio House passed its version of the budget bill which incorporates House Bill 1 (the current General Assembly’s reintroduction of the Cupp-Patterson plan to overhaul Ohio’s school funding system).

The House budget includes a more than \$1.8 billion increase to Ohio schools over the next 6 years. Most, if not all, districts would realize an increase in funds over the phase-in. Columbus City Schools, the district with the largest enrollment in the state would receive the greatest increase of 71%.

The overhauled system involves calculations based on projected enrollment. The current system has been criticized due to caps on funding and minimum guarantees. Others assert that the new system will address the decades’ old determination by the Ohio Supreme Court that the current system is unconstitutional due to its reliance on local property taxes which hurts poorer areas.

Both traditional public districts and school choice advocates (charter school and voucher supporters) have expressed support of the proposed new plan. Specifically, the new plan proposes direct funding from the state.

Instead of the current flow of funds in which the state sends money to home districts and then deducts the funds from the districts’ state aid when students enroll in a charter, the state would directly pay the charter school in which the student is enrolled.

The Senate is currently considering the bill and holding hearings on it, receiving testimony both for and against the different aspects. The final version will be decided in conference committee, but likely not until the end of June. The governor will need to sign a final version by the statutory deadline of June 30th.

Safe Return of In-Person Instruction and Continuity of Services Plan

The American Rescue Plan Elementary and Secondary School Emergency Relief Fund (ESSER) provides federal funding to schools to help reopen, sustain the safe operation of schools, and address the impact of the coronavirus pandemic on students.

In order to receive the latest allocation of ESSER funds, schools must develop, seek public comment, and make publicly available on the school’s website a plan for the safe return of in-person instruction and continuity of services.

Ohio schools need to seek public comment and make their plan publicly available on the website by June 24, 2021.

Q: What is happening with Ohio’s Local Report Cards?

A: Two current bills – House Bill 200 and Senate Bill 145 propose changes to the LRC.

SB 145 proposes to maintain the current 6 report card components, but would change some elements therein and the calculation of the performance index. Both bills eliminate the A-F rating replacing it potentially with a star rating system.

Members of the State Board of Education have expressed concern that both bills are aimed at improving schools’ performance on report cards, but do not necessarily focus on academic improvement for students.

The Board’s Legislative Committee has expressed agreement with changes to the report card factors and with the elimination of the letter grade system.

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