

# Legal Update

May 2022

## National Charter Schools Week

The 2022 national celebration of charter schools will be May 8th - 14th.

This week will focus on the next 30 years of education innovation and freedom, service and excellence. For ideas on how your school can celebrate visit:

[www.publiccharters.org](http://www.publiccharters.org)

## Sunshine Law Training

All Ohio community school board members, the designated fiscal officer of the school, the chief administrative officer and all individuals performing supervisory or administrative services for the school (even if employed by the operator) must complete training on an annual basis on the public records and open meetings laws.

If you have not already participated in training this school year, please contact Becky Enz to schedule training:

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## This Edition

Pending Education Bills  
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## Pending Education Bills

In April 2022 more than 125 education related bills were pending in the Ohio General Assembly.

The following are some of the more notable ones:

HB 583 attempts to help with the substitute teacher shortage by removing the requirement to have a bachelor's degree. As currently proposed, the law would be in effect through June 30, 2024.

SB 240 would authorize the merger of one or more community schools and a nonprofit operator into a community school network. As a result, such a merged entity would be able to be governed by one board. At least half of the schools joining a network would be required to be a "community school of quality". Each school would still receive an individual local report card. Any school within a network that performs poorly for numerous years would remain subject to automatic closure.

HB 616 would prohibit the teaching of divisive or inherently racist concepts in schools.

HB 619 would allow schools to permit students to take three mental health days off from school each school year.

HB 99 would allow school personnel to carry concealed firearms without completing basic peace officer training. Some level of training would be required but not as comprehensive and lengthy as the current requirements. The bill would require a person to have written authorization from the school's board before being permitted to have a gun on school property.

HB 333 would require the Department of Education to make recommendations for school counselors job descriptions and require schools to designate at least one staff member as a school counselor liaison.



## Pending Education Bills....continued...

Continuing from the front, the following highlights some of the more than 125 education bills pending in the Ohio legislature:

HB 606 "Sarah's Law for Seizure Safe Schools" would require schools to create a seizure action plan for each student with a seizure disorder or epilepsy.

HB 105 "Erin's Law" would require schools to provide age-appropriate sexual abuse prevention education in grades K-6 and age-appropriate sexual violence prevention education in grades 7-12.

HB 497 would eliminate from the Third Grade Reading Guarantee the requirement to retain a student in third grade for reading below grade level. The achievement levels provided in current law would remain in place and schools would still need to provide remediation, but the grade retention component would be removed due to concerns that not promoting a student has greater negative than positive consequences.

The bill also proposes requiring schools to only administer the third-grade English language arts assessment once per year.

HB 601 proposes increasing employers' contributions into the State Teachers Retirement System and School Employees Retirement System establishing minimum amounts for certain cost-of-living adjustments and eliminating the age requirement for retirement.

SB 318 would require the establishment of a universal preschool program if Congress appropriates funds for that purpose under the Build Back Better Act.

## Federal Charter Schools Program

Recently the U.S. Department of Education proposed new regulations for the federal Charter Schools Program (CSP), which provides funding to and support of charter schools across the country. While some of the proposed regulations are reasonable such as increasing transparency, numerous other provisions would have a chilling effect on the growth of and support to charters. For example, one element would require traditional district schools to be over-enrolled. This would eliminate charter schools from being established in the highest needs areas in Ohio as many school districts are experiencing a decline in enrollment.

Our office, along with many other charter advocates provided comment to the rules explaining how they should not be included in the final version of the regulations because they weaken students and families of their right to choose the school of their choice that best fits their needs.

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## Q & A

**Q: Why is HB 616 controversial?**

**A:** If passed into law, House Bill 616 would prohibit the teaching of divisive or inherently racist concepts such as critical race theory and the 1619 Project. It would also prohibit schools from providing instruction or materials on sexual orientation and gender identity to students in Kindergarten to grade three and to students in older grades when not developmentally

appropriate.

Those proposing the bill state that such a law is needed to prevent children from being indoctrinated on racial and gender issues. They also contend that teaching such concepts makes students feel guilt for past societal discrimination.

Opponents of the bill argue that such a law interferes with school's ability to have an inclusive learning environment and teach about diversity.