

Legal Update

January 2023

National School Choice Week

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January 23-28,
2023

National School Choice Week takes place each January with the purpose of raising public awareness about the numerous education options available to families.

The week celebrates all types of K-12 education including traditional schools, charter schools, magnet schools, private schools, online learning, and homeschooling.

National School Choice Week's aim is to inform, inspire, and empower parents to discover the K-12 education options available for their children, while generating widespread public awareness of the importance of school choice.

This year, National School Choice Week will be January 23th – 28th.

More information:
schoolchoiceweek.com



This Edition

HB 45 & HB 554

State Board Title IX Resolution

Lame Duck Legislation – House Bills 45 & 554

In mid-December the Ohio General Assembly passed numerous bills as it usually does between the November election and the end of the legislative term. The bills ranged from voter ID requirements to banning cities from prohibiting flavored tobacco products. Also, as usual, many of the laws were education related.

House Bill 45 increased the phase in percentage for disadvantaged pupil funding.

The bill also increased funding for school building safety.

One provision of HB 45 should help address delays in ESSER reimbursements.

In response to extreme school transportation problems experienced this year, HB 45 increased the payments to school districts for transporting charter school and non-public school students.

House Bill 554, which initially focused on addressing the teacher shortage, ended up including several other education issues when it passed during lame duck session.

HB 554 allows educators who have expired professional teacher's certificates or professional educator licenses to receive a two-year temporary license upon application and no additional coursework. The bill also allows temporary license holders who complete certain continuing education coursework to be issued professional educator licenses.

Under HB 554 charter schools will be permitted to have multiple facilities in adjacent counties. Current law limited one charter to multiple buildings under stricter criteria including being located in the same county.



State Board Resolution Regarding Title IX

On December 14th the State Board of Education adopted a resolution regarding Title IX interpretation. Title IX is the federal law that protects individuals from sex-based discrimination in education programs or activities that receive federal financial assistance. (Title IX applies to public schools, including charters, who receive National School Lunch funds, for example.)

The resolution supports the Ohio Attorney General’s current lawsuit challenging proposed federal rules that interpret Title IX as prohibiting discrimination based on sexual orientation and gender identity.

The resolution goes on to state the USDOE guidance documents have been enjoined by a U.S. District Court and are unenforceable.

Further, the resolution sets out that the Board disagrees with the rule promulgated by the Department of Agriculture that the USDA will interpret the prohibition on discrimination based on sex found in Title IX and in the federal food programs, to include discrimination based on sexual orientation and gender identity. (Under which federal lunch funds could be denied to schools that do not prohibit discrimination based on gender identity and sexual orientation.)

The resolution directs the state superintendent to send the resolution to every Ohio public school district and to every K-12 school and preschool program licensed by ODE and which receives federal funds.

As such, your school either has or will receive this letter.

The resolution does not require action on the part of any school. In fact, the resolution itself states that “this correspondence is intended to inform schools and districts, not to compel them to take a particular course of action.”

Q & A

Q: Did the bill pass regarding limiting the authority of the State Board of Education?

A: No. Senate Bill 178 which proposed minimizing the powers of the State Board of Education and shifting most education responsibilities to a new position in the governor’s cabinet did not pass before the 134th General Assembly concluded. Lawmakers said they had insufficient time to fully consider the bill.

However, this does not mean the concept is dead. It is expected that new bills will be proposed in the new General Assembly addressing the same or similar matters such as:

- creating a new administrative agency focused on primary and secondary education as well as preparing students for the workforce
- limiting the state board’s duties to primarily educator licensing, licensure discipline, school district territory transfers, and a few other areas

Happy New Year!

The team at Amy Goodson Co. hopes you had very happy holidays!

It was our pleasure to work with you in 2022 and we thank you for the opportunity to have done so.

We look forward to our continued work together in 2023.

Our best,
Rebecca
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Amy
Carlana



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