

Legal Update

September 2023

Local Report Cards

Mid-September is slated for the release of each school's local report card. Report Cards are designed to give families, educators, and other stakeholders information about the academic performance of your school.

Beginning in 2021 Ohio moved from letter grades to a 1-5 star rating system (including half stars).

Schools receive ratings on five components: achievement, progress, gap closing, early literacy, and graduation.

For the first time since the new star rating report card, this year's will include an overall star rating.

Ask school leadership to review your school's local report card with your board.



This Edition

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Van Transportation to and from School

In recognition of the on-going widespread school transportation difficulties, the Ohio General Assembly made several changes to the law in this summer's Budget Bill.

One of the most helpful may be the ability to use a vehicle designated to carry nine passengers or less (not including the driver) for the day-to-day transportation of students to and from community schools. Previously, these types of smaller vehicles were not permitted for regular transport.

Districts can use these vehicles to transport students to charters. Charters can do so themselves or contract with a provider if:

A student's resident school district has declared the transportation of the student impractical; or

A student does not live within thirty minutes of the charter and the district is not required to transport the student by law; or

The board of the community school has offered to provide transportation for its students in lieu of district transportation.

The charter board shall ensure that all of the following apply:

(1) A qualified mechanic inspects the vehicle not fewer than two times each year and determines that it is safe for pupil transportation;

(2) The driver of the vehicle does not stop on the roadway to load or unload passengers (meaning the driver must pull into driveways or parking lots to pick-up or drop-off students);

(3) The driver of the vehicle meets the health, background check, and training requirements of school bus drivers, except they are not required to have a commercial driver's license

This new law, as the other substantive provisions of the Budget Bill will become effective October 3, 2023. Thus charters can begin to use this option this school year.



New Calamity Day Plans

The recently passed Budget Bill - HB 33 changed Ohio's Calamity Day statute. The former Blizzard Bag Policy is replaced by Online Day Plans which allow schools to make-up what would otherwise be missed school days due to certain school closures.

If adopted by the board, schools may use an Online Day Plan to provide the equivalent of up to three school days in a school year via online delivery when specifically delineated circumstances necessitate closure for in-person learning.

Circumstances include:

- Disease epidemic;
- Hazardous weather;
- Law enforcement emergencies;
- Inoperability of school buses or other equipment necessary to the school's operation;
- Damage to a school building; or
- Other temporary circumstances due to utility failure rendering the school building unfit for use.

Note, not included in the eligible circumstances are staffing shortages, parent-teacher conferences, or professional development.

The law requires very specific components be included in the plan, such as notification procedures and how to ensure access for students with disabilities and English language learners.

While all non-monetary budget bill changes are effective Oct. 3, 2023, ODE is encouraging schools to adopt or amend their calamity day plans by Nov. 1, 2023. After this school year, annual adoption will be required by August 1st.

Blended learning and e-schools are not eligible.

Fall Reminders

Constitution Day

All entities receiving federal funding, including funding through the U.S.

Department of Education, are required to hold an educational program pertaining to the United States Constitution on September 17th of each year (or in the preceding or following week if the date falls on a Saturday, Sunday or holiday as it does this year.)

Nearly all Ohio community schools receive at least some federal funding through programs such as the National School Lunch Program.

Budget & Forecast

Each community school board is required by law to adopt an annual budget by October 31st each year with submission to ODE by November 30th. Community schools are required to submit five-year forecasts to ODE twice annually once by November 30th and May 31st. The board-adopted budget should serve as the basis for year one of the 5-year forecast.

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Q & A

Q: I've been hearing a lot about the Science of Reading and it now being mandatory in Ohio schools. What does that mean?

A: The science of reading is a code-based or phonics focused approach. Code-emphasized instruction requires students to look carefully at words, sound them out, then check to see if the word makes sense.

This is a departure from recent methods which focus teaching students to read based on meaning, structure and syntax, and visual cues.

The Budget Bill requires the Ohio Department of Education to compile a list of curriculum and instructional materials that align with the science of reading. Ohio schools must start using those materials by the 2024-2025 school year,