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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 229\*  
134<sup>th</sup> General Assembly

## Bill Analysis

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**Version:** As Reported by Senate Primary and Secondary Education

**Primary Sponsor:** Sen. Blessing

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### SUMMARY

#### Blended learning for the 2021-2022 school year

- Permits a school district, other public school, or chartered nonpublic school to submit to the Department of Education a declaration to implement or discontinue use of a blended learning model during the 2021-2022 school year by April 30, 2022, rather than July 1, 2021, as under continuing permanent law.
- Requires the Department to post a list of districts and schools that have submitted a blended learning model declaration during the 2021-2022 school year on its website.
- Provides specific operating requirements for districts and schools that implement blended learning for any portion of the 2021-2022 school year.

#### Blended learning definition

- Revises the permanent law definition of blended learning to add “noncomputer-based learning opportunities.”

#### Remote learning for the 2021-2022 school year

- Permits a school district, other public school, or chartered nonpublic school to adopt a resolution to continue to provide instruction using the school’s remote learning plan for the 2021-2022 school year.
- Requires a district or school that adopts a resolution to notify the Department of that decision by December 15, 2021.

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\* This analysis was prepared before the report of the Senate Primary & Secondary Education Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

- Requires a school or district that continues to offer remote instruction to update its remote learning plan with specific requirements.

### **Remediation plans**

- Requires each school district and other public school to complete and submit to the Department a remediation plan to address the loss of learning students experienced during the COVID-19 pandemic and post the plan on its website.
- Requires the Department to develop standards and a template for district and school remediation plans.
- Requires the Department to compile the submitted remediation plans and submit a report to the General Assembly.

### **Provisions related to state report cards**

- Adds a school district superintendent member appointed by the Superintendent of Public Instruction to the state report card review committee.
- Prohibits the Department from considering performance on the chronic absenteeism measure on the state report card for the 2021-2022 school year.
- Requires the Department to report without a rating the four-year adjusted cohort graduation rate on the state report card for students who were *continuously* enrolled in the same district or building for grades 9-12.
- Requires the Department, by September 15, 2022, to calculate and publish the four-year adjusted cohort graduation rate as described just above and the total number of students in each cohort for all districts and buildings for the 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years as reported-only data on state report cards for the 2021-2022 school year.

### **Online services for special needs students**

- Between July 1, 2021, and June 30, 2022, and upon the request of a parent or guardian, permits an individual who holds a valid license issued by a licensing board to provide services via electronic delivery method or telehealth communication to qualifying students.
- Prohibits a licensing board from taking any disciplinary action against a license holder who provides services to qualifying students as described just above.

### **Provisions related to quarantined students**

- For the 2021-2022 school year only, requires a school or district operating an online learning school to permit a quarantined student to participate in the online learning school for the duration of the student's quarantine period.

- Requires that once a student is in quarantine that the district or school notify the student’s parents or guardians of available learning options for the duration of the student’s quarantine.
- For the 2021-2022 school year, requires districts and schools to report monthly to the Department of Education the number of students quarantined and the duration of the quarantine.

### **Withdrawal of certain students for failure to take assessments**

- Revises the law on automatic withdrawal of students by internet- or computer-based community schools (e-schools) and district-operated internet- or computer-based schools for failure to take state assessments, so that that new starting point for considering two years of failure to take the tests is the 2022-2023 school year.

### **Online learning school exemption from emergency management plan requirement**

- Exempts an online learning school from the current law requirement that school administrators develop an emergency management plan for each building under their control, unless students participate in in-person activities at a location that is not covered in a district’s or school’s existing emergency management plan.

### **Sale of real property leased to a community, STEM, or nonpublic school**

- Requires a school district, prior to entering into a contract to purchase real property that currently is partially or fully leased to a community school, STEM school, or chartered or nonchartered nonpublic school, to obtain written consent from the school approving the purchase.

### **Emergency clause**

- Declares an emergency.

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## **DETAILED ANALYSIS**

### **Blended learning for the 2021-2022 school year**

For the 2021-2022 school year only, the bill permits a school district, community school with approval of its sponsor, STEM school, or chartered nonpublic school to submit to the Department of Education, by April 30, 2022, a declaration to implement or discontinue use of a blended learning model during that school year.<sup>1</sup> The bill specifically states that the decision to implement or rescind use of a blended learning model is not subject to approval by the Department. It also requires the Department to post a list of districts, STEM, community, and chartered nonpublic schools that have submitted a blended learning model declaration during the 2021-2022 school year on its website.<sup>2</sup>

Otherwise, under continuing law, if a school is operated using a blended learning model or decides to cease operating using a blended learning model, the district or school must notify the Department of that fact by July 1 of the school year for which the change would be effective.<sup>3</sup>

### **Blended learning requirements for the 2021-2022 school year**

For the 2021-2022 school year, the bill requires a district or school that implements a blended learning model, for any portion of that school year, to do all of the following:<sup>4</sup>

1. Ensure that students have access to the internet and to devices students may use to participate in online learning. If a district or school determines that a student does not have appropriate access to the internet or a device, the district or school must provide it at no cost to the student. Districts and schools also must provide a filtering device or install filtering software that protects against internet access to materials that are

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<sup>1</sup> Section 3(B).

<sup>2</sup> Section 3(C).

<sup>3</sup> R.C. 3302.41, not in the bill.

<sup>4</sup> Section 3(D).

obscene or harmful to juveniles on each computer provided to students for instructional use.

2. Monitor and assess student achievement and progress and provide additional services if necessary to improve student achievement;
3. Periodically communicate with parents or guardians regarding student progress; and
4. Report monthly to the Department the number of students participating in blended learning and the duration of such participation;
5. By May 15, 2022, report to the Department both of the following:
  - a. The total number of students engaged in blended learning during the 2021-2022 school year by grade level; and
  - b. The total number of students with disabilities engaged in blended learning during the 2021-2022 school year.
6. Comply with operating standards for blended learning as otherwise prescribed under continuing law by the State Board of Education.<sup>5</sup>

### **Additional provisions for community schools**

For the 2021-2022 school year, the bill specifies that a community school that implements a blended learning model for any portion of that school year must be considered as having met any requirements to receive state funds as otherwise prescribed under continuing law.<sup>6</sup> For example, current law, effective September 30, 2021, requires any school using a blended learning model to have an instructional calendar of at least 910 hours, but continuing law also specifies that a community school must offer at least 920 hours of learning opportunities and its full-time equivalency for funding purposes is the actual number of learning opportunities it offers.<sup>7</sup> Presumably, the bill permits full funding for any community school student in a blended learning program as long as the student participates in 910 hours of instruction.

The bill also requires a community school, by June 30, 2022, to complete any revisions to the contract with its sponsor to implement or discontinue blended learning.<sup>8</sup> It further requires that, by April 30, 2022, a community school adopt or make any other necessary revisions to its policies.<sup>9</sup>

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<sup>5</sup> See R.C. 3302.41(B), not in the bill.

<sup>6</sup> Section 3(E)(1).

<sup>7</sup> R.C. 3302.41(B)(4) and 3314.08(H), neither in the bill.

<sup>8</sup> Section 3(E)(2).

<sup>9</sup> Section 3(E)(3).

## Definition of blended learning

The bill revises the permanent law definition of blended learning to add “noncomputer-based learning opportunities.” Current law defines it as “the delivery of instruction in a combination of time primarily in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning.”<sup>10</sup>

## Remote learning for the 2021-2022 school year

For the 2021-2022 school year only, the bill permits a school district, community school with approval of its sponsor, STEM school, or chartered nonpublic school to adopt a resolution to continue to provide instruction using the school’s remote learning plan submitted under H.B. 164 of the 133<sup>rd</sup> General Assembly to only those students whose parents or guardians submit a written request to the principal of the school building to which the student is assigned.<sup>11</sup> The bill specifically prohibits a district or school that is operating as an online learning school, as otherwise permitted under continuing law, from adopting a resolution as described just above.

The bill requires a district or school that adopts a resolution to, by December 15, 2021, notify the Department of that decision. The bill specifically states that the decision to continue to offer remote instruction is not subject to approval by the Department.<sup>12</sup> It also requires the Department to post a list of districts, STEM, community, and chartered nonpublic schools continuing to operate a remote learning plan for the 2021-2022 school year on its website.<sup>13</sup>

H.B. 164 of the 133<sup>rd</sup> General Assembly permitted certain public schools that had not otherwise been approved to use a blended learning model under continuing law for the 2020-2021 school year to adopt a plan to provide instruction using a remote learning model for that year. Under that act, a school was required to submit its plan to the Department by July 31, 2020.<sup>14</sup>

The bill also specifies that for the 2021-2022 school year, that a community school that continues to provide instruction under a remote learning plan must be considered as having met any requirements to receive state funds as otherwise prescribed under continuing law.<sup>15</sup>

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<sup>10</sup> R.C. 3301.079(J).

<sup>11</sup> Section 4(B)(1).

<sup>12</sup> Section 4(B)(2).

<sup>13</sup> Section 4(C).

<sup>14</sup> Section 16 of H.B. 164 of the 133<sup>rd</sup> General Assembly, not in the bill.

<sup>15</sup> Section 4(F).

The bill defines “remote learning” as synchronous and asynchronous instruction and educational activities that take place when the students and the teachers are not physically present in a traditional classroom environment.<sup>16</sup>

### **Remote learning requirements for the 2021-2022 school year**

For the 2021-2022 school year, the bill requires a school or district that continues to offer remote instruction to update its remote learning plan as follows:<sup>17</sup>

1. Meet all minimum school year requirements prescribed under continuing law;
2. Ensure that students have access to the internet and to devices students may use to participate in online learning. If a district or school determines that a student does not have appropriate access to the internet or a device, the district or school must provide it at no cost to the student. Additionally, districts and schools must provide a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to students for instructional use.
3. Track and document all student remote learning participation, including online and offline activities;
4. Report student attendance based on student participation;
5. Monitor and assess student achievement and progress and provide additional services if necessary to improve student achievement;
6. Periodically communicate with parents or guardians regarding student progress;
7. Develop a statement describing the school’s approach to addressing nonattendance and its compliance with truancy procedures and requirements;
8. Report to the Department both of the following:
  - a. The total number of students engaged in remote learning by grade level; and
  - b. The total number of students with disabilities engaged in remote learning.

The bill requires that each school or district that continues to offer remote instruction make its updated remote learning plan publicly available on its website and submit a copy to the Department.<sup>18</sup>

### **Remediation plans**

Within 30 days of the bill’s effective date, the bill requires the Department to develop standards and a template for district and school remediation plans. The plans must require at

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<sup>16</sup> Section 4(A)(5).

<sup>17</sup> Section 4(D).

<sup>18</sup> Section 4(E).

least both of the following: (1) timelines and programs that the district or school is implementing to address loss of learning, (2) the length of time remediation programs will be implemented, and (3) the method by which the district or school intends to pay for the remediation programs.<sup>19</sup>

Not later than 90 days after the bill's effective date, it requires each school district, STEM school, and community school to complete and submit to the Department a remediation plan to address the loss of learning students experienced as a result of the COVID-19 pandemic and post the remediation plan on its website.<sup>20</sup>

The bill further requires that, not later than 165 days after the bill's effective date, the Department compile submitted remediation plans and submit a report to the General Assembly.<sup>21</sup>

## **Provisions related to state report cards**

### **State report card review committee membership**

The bill adds to the membership of the state report card review committee a school district superintendent appointed by the Superintendent of Public Instruction.<sup>22</sup>

H.B. 82 of the 134<sup>th</sup> General Assembly established a state report card review committee beginning on July 1, 2023. The primary responsibility of the committee is to conduct a study of state report cards issued for the 2022-2023 school year and prior schools years, and based on that study, make recommendations for improvements, corrections, and clarifications to the report card. The committee otherwise consists of the following members:

1. Two members of the House of Representatives appointed by the Speaker of House who are not of the same political party. The House Minority Leader may recommend a member of the Minority Leader's political party to the Speaker.
2. Two members of the Senate appointed by the Senate President who are not of the same political party. The Senate Minority Leader may recommend a member of the Minority Leader's political party to the President.
3. The Superintendent of Public Instruction, or the state Superintendent's designee;
4. The following members appointed by the state Superintendent:
  - a. An elementary school teacher;
  - b. A high school teacher;
  - c. An individual with experience providing services to gifted students;

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<sup>19</sup> Section 3(F)(1)(a).

<sup>20</sup> Section 3(F)(2).

<sup>21</sup> Section 3(F)(1)(b).

<sup>22</sup> R.C. 3302.039(B)(4)(h).



- d. An individual with experience providing special education and related services to children with disabilities;
- e. A chartered nonpublic school representative;
- f. A business community representative; and
- g. The parent of a child enrolled in any of grades K-12.

### **Chronic absenteeism measure**

For the 2021-2022 school year, the bill prohibits the Department from considering performance on the chronic absenteeism measure on the state report card for any school district or school. Specifically, that measure may not be used to determine whether a district or school is subject to any penalty or sanction otherwise prescribed by continuing law.<sup>23</sup> Further, it prohibits the Department from including the chronic absenteeism indicator in assigning performance ratings for the gap closing component for the 2021-2022 school year for districts and schools. The bill also specifically requires the Department to re-weight the other component measures accordingly, which includes: Achievement, Progress, Graduation, Early Literacy, and College, Career, Workforce, and Military Readiness.<sup>24</sup>

The new report card system enacted in H.B. 82 of the 134<sup>th</sup> General Assembly, effective September 30, 2021, prescribes a chronic absenteeism measure to be determined by the Department of Education as one of its gap closing measures.<sup>25</sup>

### **Four-year adjusted cohort graduation rate**

The bill requires the Department to include on a district's or building's state report card, as reported data not factored into the component performance rating, the four-year adjusted cohort graduation rate for only those students who were *continuously* enrolled in the same district or building for grades 9-12.<sup>26</sup>

The bill further requires the Department, by September 15, 2022, to calculate and publish the four-year adjusted cohort graduation rate as described just above and the total number of students in each cohort for all districts and buildings for the 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years as reported-only data on state report cards issued for the 2021-2022 school year.<sup>27</sup>

Under law unchanged by the bill, the Department is required to report on a district's or building's report card certain data as reported data not factored into the component performance rating, i.e., as a "report only" measure. One such measure is the percentage of

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<sup>23</sup> Section 3(G).

<sup>24</sup> See R.C. 3302.03(D)(3)(b) to (f).

<sup>25</sup> R.C. 3302.03(A)(3), (D)(1)(b) and (D)(3)(a).

<sup>26</sup> R.C. 3302.03(D)(2)(j)(ii).

<sup>27</sup> Section 5.

students in the 4- and 5-year adjusted cohort graduation rates of a district or school who completed all of grades 9-12 in the district or school.<sup>28</sup>

## **Online services for special needs students**

Between July 1, 2021, and June 30, 2022, the bill permits an individual who holds a valid license issued by a licensing board, upon request from a student's parent or guardian, to provide services within the scope of practice authorized under the license by electronic delivery method or telehealth communication to special needs students. The bill applies to any student participating in the Autism or the Jon Peterson Special Needs Scholarship programs or to any student who was enrolled in a public or chartered nonpublic school and was receiving those types of services, regardless of the method of delivery, prior to the bill's effective date. It also prohibits a licensing board from taking any disciplinary action against a license holder solely because the license holder provided such services to a student.<sup>29</sup>

## **Provisions related to quarantined students**

### **Online learning school option**

For the 2021-2022 school year only, the bill requires a school or district that is operating as an online learning school to permit a student who is in quarantine due to possible exposure to a contagious disease to participate in the online learning school for the duration of that student's quarantine period. The bill specifically states that in such a circumstance, the quarantined student is not considered to be enrolled in the online learning school, rather that student is considered to be enrolled in the school the student would otherwise attend.<sup>30</sup>

Under the bill, once a student is in quarantine the district or school must notify the student's parents or guardians of available learning options for the duration of the student's quarantine.<sup>31</sup>

### **Monthly report of students in quarantine**

For the 2021-2022 school year, the bill requires that a school district, community school, STEM school, and chartered nonpublic school to report monthly to the Department, in a manner as determined by the Department, the number of students quarantined and the duration of the quarantine due to exposure to a contagious disease.<sup>32</sup>

## **Withdrawal of certain students for failure to take assessments**

The bill amends two provisions of law that were effective September 30, 2021, and that created a new starting point for withdrawal determinations made by internet- or computer-

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<sup>28</sup> R.C. 3302.03(D)(2)(j)(i).

<sup>29</sup> Section 3(H).

<sup>30</sup> Section 6(A).

<sup>31</sup> Section 6(B).

<sup>32</sup> Section 7.

based community schools (e-schools) and district-operated internet- or computer-based schools upon a student's failure to complete the spring administration of any required state assessment for two consecutive school years.<sup>33</sup> Current law states that no student's failure to take those tests prior to the 2020-2021 school year may subject the student to automatic withdrawal. The bill amends those laws so that that new starting point for considering two years of failure to take the tests is the 2022-2023 school year. Thus, under the bill, no student's failure to take the tests prior to the 2022-2023 school year may subject the student to withdrawal.

Under continuing law, e-schools and district-operated internet- or computer-based schools are required to automatically withdraw any student who has not participated in the spring administration of any required state assessment for two consecutive years and who was not otherwise excused from taking that assessment. A school may not receive any state funds for any student who is subject to automatic withdrawal under this provision but may permit the student to continue to attend the school's program only if the student's parent pays tuition.<sup>34</sup>

### **Online learning school exemption from emergency management plan requirement**

The bill exempts an online learning school from the requirement, as otherwise prescribed under continuing law, that school administrators develop an emergency management plan for each building under their control, unless students participate in in-person activities at a location that is not covered in a district's or school's existing emergency management plan as of the bill's effective date.<sup>35</sup>

### **Sale of real property leased to a community, STEM, or nonpublic school**

The bill requires a school district, prior to entering into a contract to purchase real property that currently is partially or fully leased to a community school, STEM school, or chartered or nonchartered nonpublic school, to obtain written consent from the school approving the purchase.<sup>36</sup>

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<sup>33</sup> R.C. 3313.6412 and 3314.262.

<sup>34</sup> R.C. 3313.6410 and 3314.26, neither in the bill.

<sup>35</sup> R.C. 5502.262(H).

<sup>36</sup> R.C. 3313.174.

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## HISTORY

Action	Date
Introduced	09-14-21
Reported, S. Primary & Secondary Education	---

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