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H.B. 585
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Patterson and Robinson

Mike Niemi, Research Analyst

SUMMARY

- Waives several requirements otherwise prescribed under continuing law for public and nonpublic schools for the 2019-2020 school year in response to the Director of Health's March 14, 2020, school closure order.
- Requires the Department of Education to set the 2020-2021 fall administration testing window not earlier than November 1, 2020.
- Declares an emergency.

DETAILED ANALYSIS

Waiver of certain K-12 education requirements

In response to the Director of Health's order "In re: Order the Closure of All K-12 Schools in the State of Ohio" issued on March 14, 2020, the bill waives several requirements for the 2019-2020 school year for school districts, community schools, STEM schools, nonpublic schools, the State School for the Deaf, and the State School for the Blind, as described below.¹ Many of the bill's provisions address issues also addressed by H.B. 197 of the 132nd General Assembly, which was effective March 27, 2020, also in response to the Director of Health's order. The discussion below describes how the bill's provisions compare with those of H.B. 197.

Minimum number of instruction hours

The bill specifies that a school district or school is not required to be open for instruction with students in attendance for a minimum number of hours for the 2019-2020 school year. The bill specifies that funding for a district or school may not be withheld for a failure to comply

¹ Section 1(A).

with that minimum number of hours as long as the district or school offers alternative methods for delivering instruction as appropriate for each district or school.²

Background – H.B. 197

For the 2019-2020 school year, H.B. 197 permits school districts, STEM schools, community schools that are not internet- or computer-based schools (e-schools), and chartered nonpublic schools to make up through distance learning any number of days or hours necessary due to school closures as a result of any emergency order issued by the Governor or the Director of Health regarding COVID-19.³ A district or school may amend its existing plan or adopt one, if it does not have an existing plan, to make up those days or hours.

State law requires school districts, STEM schools, and chartered nonpublic schools to be open for instruction each school year for a minimum of 910 hours for grades 1-6 or all-day kindergarten, 1,001 hours for grades 7-12, and 455 hours for kindergarten that is less than all day. Community schools must provide at least 920 hours of learning opportunities.⁴

State report cards; sanctions and penalties

The bill specifies that any state report card letter grade issued to a school district or school for the 2019-2020 school year must not be considered in determining whether a district or school is subject to sanctions or penalties. Furthermore, it prohibits the Department of Education from ranking districts, community schools, or STEM schools for that school year.

However, the bill specifically states that the state report card ratings of previous and subsequent school years must still be used in determining sanctions and penalties. It further states that the 2019-2020 school year does not create a new starting point for such determinations that are based on multiple years of state report card ratings.⁵

Background – H.B. 197

H.B. 197 prohibits the Department from publishing and issuing ratings for overall grades, components, and individual measures on the state report cards for any school districts or schools for the 2019-2020 school year. It also relieves the Department from the requirement to submit preliminary data for report cards for school districts and buildings. However, the Department must report any data that it has regarding the performance of districts and buildings for the 2019-2020 school year by September 15, 2020.

H.B. 197 establishes a safe harbor from penalties and sanctions for districts and schools based on the absence of state report card grades for the 2019-2020 school year. The act specifically includes safe harbor from several sanctions and penalties prescribed under continuing law.

² Section 1(A)(1).

³ Section 15 of H.B. 197.

⁴ R.C. 3313.48(A), 3314.03(A)(11)(a), and 3326.11, none in the bill.

⁵ Section 1(A)(2).

Additionally, H.B. 197 states that the state report card ratings of previous and subsequent school years still must be used in determining sanctions and penalties. It further states that the 2019-2020 school year does not create a new starting point for such determinations that are based on multiple years of state report card ratings.⁶

State assessments

The bill prohibits a district or school from administering any assessment on or after the bill's effective date in the 2019-2020 school year, including any assessment prescribed or required by the Department or the State Board of Education, and any assessment prescribed by a school district board of education or school governing authority. The bill also specifically prohibits administering a make-up assessment for the 2019-2020 school year in the 2020-2021 school year.⁷

Background – H.B. 197

H.B. 197 specifies that all public and chartered nonpublic schools are not required to administer any state assessments otherwise prescribed in the 2019-2020 school year. In addition to the state achievement assessments and end-of-course exams, this also includes the Ohio English Language Proficiency Assessment administered to English learners, WebXams for career-technical education students, and the Alternate Assessment for Students with Significant Cognitive Disabilities.⁸

High school graduation

The bill requires a district or school to grant a high school diploma or advance to the next higher grade level any student who, on March 17, 2020, has completed the requirements to graduate under continuing law or to advance to the next higher grade level as determined by the district or school. If, by that date, a student has not completed all of the requirements to graduate or advance, the district board or school must determine if the student may receive a diploma or advance.⁹

Background – H.B. 197

H.B. 197 permits public and nonpublic schools to grant a diploma to any student on track to graduate and for whom the principal, in consultation with teachers and counselors, determines that the student has successfully completed the high school curriculum or individualized education program at the time of the Director's order.¹⁰

⁶ Section 17(B) of H.B. 197.

⁷ Section 1(A)(3).

⁸ Section 17(A)(1) and (2) of H.B. 197.

⁹ Section 1(A)(4).

¹⁰ Section 17(D)(2) of H.B. 197.

H.B. 197 also expressly permits a district or school that has previously adopted a resolution to exceed the state minimum high school curriculum requirements to elect to require only the minimum curriculum for the purpose of determining high school graduation for the 2019-2020 school year.¹¹

Teacher evaluations

For the purposes of teacher evaluations, the bill requires a district board to use either data or observations from the previous school year or the data or observations collected for the 2019-2020 school year collected as of March 16, 2020, whichever the teacher being evaluated and the district board agree to use.¹²

Background – H.B. 197

H.B. 197 addresses employee evaluations in two ways. First, it prohibits the use of the value-added progress dimension from the 2019-2020 school year to measure student learning for teachers' performance evaluations.¹³

Under continuing law, the State Board of Education must develop a framework for school districts to use in evaluating teachers' performance. One component of this framework requires that at least two measures of "high-quality" (as defined by the State Board) student data are used to provide evidence of student learning directly attributable to the teacher being evaluated. When applicable, continuing law specifies that one of these measures of high-quality student data being used is the value-added progress dimension used for state report cards.¹⁴

Second, H.B. 197 permits a district board of education to elect not to conduct evaluations of district employees, including teachers, administrators, or a superintendent for the 2019-2020 school year, if the board determines that it would be impossible or impracticable to do so. If a district board elects not to evaluate an employee for the 2019-2020 school year, the employee may not be penalized for the purpose of reemployment for lack of an evaluation. But the act expressly states that it does not preclude a district board from using an evaluation completed prior to the Director of Health's closure order in employment decisions. The district board may collaborate with any bargaining organization representing its employees in determining whether to complete evaluations for the 2019-2020 school year.¹⁵

Under continuing law, district employees are required to complete annual evaluations for the purpose of determining eligibility for re-employment.¹⁶ H.B. 197 essentially removes the

¹¹ Section 17(D)(3) of H.B. 197. See also R.C. 3313.603(C) to (F), not in the bill.

¹² Section 1(A)(5).

¹³ Section 17(E) of H.B. 197.

¹⁴ R.C. 3302.021 and 3319.112, neither in the bill.

¹⁵ Section 17(M).

¹⁶ R.C. 3319.11, not in the bill.

penalty on district employees when an evaluation cannot be completed due to the COVID-19 outbreak.

Third grade reading assessment administration in 2020-2021

For the 2020-2021 school year, the bill requires the Department to set the testing window for the fall administration of the third-grade English language arts achievement assessment for a date that is not earlier than November 1, 2020.¹⁷

Continuing law authorizes the Superintendent of Public Instruction to designate dates and times for the administration of state assessments..¹⁸

HISTORY

Action	Date
Introduced	03-24-20

H0585-I-133/ts

¹⁷ Section 1(B).

¹⁸ R.C. 3301.0710(C), not in the bill.