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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
Office

H.B. 404*
133rd General Assembly

Bill Analysis

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Version: As Reported by Senate Government Oversight and Reform

Primary Sponsors: Reps. Manchester and Sweeney

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SUMMARY

Open meetings (Section 1)

- Extends until July 1, 2021, the temporary authorization for members of a public body to hold and attend meetings or hearings via electronic technology.
- Removes from H.B. 404 the permanent authorization for boards of trustees of state institutions of higher education to adopt policies allowing some of their members to attend board meetings using electronic communication methods. (The boards are included in the bill's extension of temporary authority for electronic public meetings.)

Local CARES Act revenue redistribution (Sections 7 and 9)

- Requires that, if all or part of unspent CARES Act money cannot be redistributed because all or some local subdivisions do not qualify for the money, the remaining money must be paid to the state treasury. (Under continuing law, subdivisions must return to the county treasury any CARES Act funding received from the state that they have not spent as of November 20, 2020. That money is then redistributed to subdivisions that spent all of their initial allocation.)

Seamless Summer Food Program regulation (Section 1)

- Extends from December 1, 2020, to July 1, 2021, the Director of Agriculture's temporary authority to exempt a school or entity from regulation as a food processing establishment, if the school or entity:
 - Has been issued a food service operation license;

* This analysis was prepared before the report of the Senate Government Oversight and Reform Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

- With respect to a school, is transporting food only for purposes of the Seamless Summer Option Program or the Summer Food Service Program administered by the U.S.D.A.;
- With respect to any other entity, is transporting food only for purposes of the Summer Food Service Program administered by the U.S.D.A.

Retirant reemployment penalty waiver (Section 1)

- Extends, from December 1, 2020, until July 1, 2021, the temporary penalty waiver for a retired state retirement system member who has received a retirement allowance for less than two months and is reemployed by any of the following during that two-month period:
 - The Department of Rehabilitation and Correction;
 - The Department of Youth Services;
 - The Department of Mental Health and Addiction Services;
 - The Department of Veterans Services;
 - The Department of Developmental Disabilities.

State agency deadline extensions (Section 1)

- Extends, from December 1, 2020, until July 1, 2021, the temporary extension of deadlines with which a state agency must comply, so that if a deadline falls between March 9, 2020, and April 1, 2021, the agency has until July 1, 2021 to comply.

License deadlines and extensions (Section 1)

- Extends, from December 1, 2020, until July 1, 2021, the temporary extension of deadlines to maintain a valid license, for deadlines that fall on or before April 1, 2021.
- Extends, from December 1, 2020, until July 1, 2021, the temporary law allowing a license that would otherwise expire on or before April 1, 2021, to remain valid until July 1, 2021.

College Credit Plus (Section 1)

- Extends the Chancellor of Higher Education's authority to extend, waive, or modify requirements of the College Credit Plus Program to the 2020-2021 and 2021-2022 school years. (Prior authority was granted for 2019-2020 only.)

School employee evaluations (Sections 3, 5, 12, and 13)

- Extends to the 2021-2022 school year a prohibition against using value-added data, other high-quality student data, any other metric used to evaluate positive student outcomes, or any other academic growth data to measure student learning attributable to a teacher, principal, or school counselor while conducting performance evaluations.

- Extends to the 2020-2021 school year a separate authorization for a school district board of education to complete a principal's performance evaluation without a student growth measure.
- Specifies that teacher and principal evaluation provisions of [H.B. 164](#) and [H.B. 197](#) regarding the use of value-added growth data and other academic growth data in teacher evaluations must be construed as acting in concert with each other and not construed as being in conflict with each other.
- Authorizes a school district board to elect not to complete for the 2020-2021 school year a performance evaluation of a district employee, including a teacher, school counselor, administrator, or superintendent, if the district or board determines that it is impossible or impracticable to do so.
- Extends the authority for a school district that did not participate in the teacher evaluation pilot program established for the 2019-2020 school year to continue evaluating teachers on two-year or three-year evaluation cycles, even if the district completes an evaluation for those teachers in the 2020-2021 school year without using a student growth measure.
- Specifies that a teacher who did not have a student growth measure as part of an evaluation for the 2020-2021 school year must remain at the same point in the teacher's evaluation cycle, and retain the same evaluation rating, for the 2021-2022 school year as for 2019-2020 (in addition to the 2020-2021 school year under current law).

Diagnostic assessments for 2020-2021 (Section 10)

- Specifies that school districts, community schools, STEM schools, chartered nonpublic schools, the State School for the Deaf, and the State School for the Blind may not be penalized for failing to administer to a student in the fall of 2020 the kindergarten readiness assessment, any diagnostic assessments, or the third-grade English language arts achievement assessment, as otherwise required by law, if:
 - The student is being quarantined;
 - The student, or a member of the student's family, is medically compromised and the student cannot attend school, or another physical location outside of the home, for the testing;
 - The student resides in an area that is subject to a stay-at-home order issued by the Governor, the Department of Health, or a local board of health; or
 - The student is receiving instruction primarily through a remote learning model up through the deadline for the assessments and they cannot be administered remotely.
- Also states that these provisions should not be construed as prohibiting a district or school from administering any of the assessments if it elects to do so.

Kindergarten and first grade health screenings (Section 11)

- Specifies that a school district, community school, or STEM school may not be penalized for failing to conduct health screenings for a student in kindergarten or first grade prior to November 1, 2020, as otherwise required by law, if that student was a “qualifying student” prior to that date.
- Requires a district or school to conduct health screenings prescribed by law for kindergarten and first grade students who did not receive those screenings for the 2020-2021 school year prior to the bill’s effective date, but specifies that a school may forego screenings until they can be safely conducted for a particular student if that student is a “qualifying student.”
- Specifies that:
 - The parent, guardian, or custodian of a kindergarten or first grade student who has not received a health screening prescribed by law for the 2020-2021 school year may request the student’s district or school to conduct the screening;
 - The district or school must conduct the requested screening; and
 - The district or school is prohibited from denying the request of the parent, guardian, or custodian of a “qualifying student.”
- Specifies that a student is a “qualifying student” if:
 - The student is being quarantined;
 - The student, or a member of the student’s family, is medically compromised and the student cannot attend school, or another physical location outside of the home, for the screening;
 - The student resides in an area subject to a stay-at-home order issued by the Governor, Department of Health, or a local board of health; or
 - The student is receiving instruction primarily through a remote learning model and the screening cannot be administered remotely.

Community school transportation (Section 14)

- Permits a community school to accept responsibility to provide or arrange for transportation of its students in accordance with continuing law for the 2020-2021 school year by December 31, 2020 (rather than January 1 of the preceding school year as otherwise required by law).
- Specifies that a community school that accepts responsibility to provide or arrange for transportation under this provision must receive state transportation funding for the entire school year.

Emergency clause (Section 15)

- Declares an emergency, allowing the bill to take effect immediately.

HISTORY

Action	Date
Introduced	11-12-19
Reported, H. Higher Education	05-13-20
Passed House (88-6)	05-13-20
Reported, S. Government Oversight and Reform	---
