

\_\_\_\_\_ moved to amend as follows:

In line \_\_\_\_\_ of the title, after "\_\_\_\_\_" insert "to account for 1  
school closings in compliance with the Director of Health's order, or 2  
local board of health order or extension of any order, due to the 3  
implications of COVID-19 and to declare an emergency" 4

After line \_\_\_\_\_, insert: 5

**"Section 1.** Notwithstanding anything in the Revised Code 6  
or Administrative Code to the contrary, for the 2019-2020 school 7  
year only, except as otherwise provided in this section, due to 8  
the Director of Health's order under section 3701.13 of the 9  
Revised Code "In re: Order the Closure of All K-12 Schools in 10  
the State of Ohio" issued on March 14, 2020, or any local board 11  
of health order, and any extension of any order, based on the 12  
implications of COVID-19, all of the following apply: 13

(A) (1) Any city, exempted village, local, joint 14  
vocational, or municipal school district, any community school 15  
established under Chapter 3314. of the Revised Code, any STEM 16  
school established under Chapter 3326. of the Revised Code, any 17  
chartered nonpublic school, and the State School for the Deaf 18  
and the State School for the Blind shall not be required to 19  
administer the assessments prescribed in sections 3301.0710, 20  
3301.0711, 3301.0712, 3313.903, and 3314.017 of the Revised 21  
Code, including the Ohio English Language Proficiency Assessment 22

administered to English learners pursuant to division (C) (3) (b) 23  
of section 3301.0711 of the Revised Code and the Alternate 24  
Assessment for Students with Significant Cognitive Disabilities 25  
prescribed in division (C) (1) of section 3301.0711 of the 26  
Revised Code. 27

(2) Any chartered nonpublic school that has chosen to 28  
administer assessments under section 3313.619 of the Revised 29  
Code that has not administered such assessments by March 17, 30  
2020, shall not be required to administer those assessments. 31

(3) The Department of Education shall not exclude any 32  
student to whom an assessment was not administered in the 2019- 33  
2020 school year under division (A) of this section from 34  
counting in a district's or school's enrollment for the 2020- 35  
2021 school year pursuant to division (L) (3) of section 3314.08, 36  
division (E) (3) of section 3317.03, or division (C) of section 37  
3326.37 of the Revised Code. 38

(4) If a student was not administered an assessment in the 39  
2019-2020 school year under division (A) of this section, that 40  
school year shall not count in determining if the student is 41  
subject to withdrawal from a school pursuant to section 42  
3313.6410 or 3314.26 of the Revised Code. 43

(5) No student who received a scholarship under the 44  
Educational Choice Scholarship Program under section 3310.03 or 45  
3310.032 of the Revised Code, the Jon Peterson Special Needs 46  
Scholarship Program under section 3310.52 of the Revised Code, 47  
or the Pilot Project Scholarship Program under section 3313.975 48  
of the Revised Code for the 2019-2020 school year shall be 49  
considered ineligible to renew that scholarship for the 2020- 50  
2021 school year solely because the student was not administered 51  
an assessment in the 2019-2020 school year under division (A) of 52

this section. 53

(B) (1) The Department of Education shall not publish state 54  
report card ratings under section 3302.03, 3302.033, 3314.012, 55  
or 3314.017 of the Revised Code nor shall the Department be 56  
required to submit preliminary data for the report cards by July 57  
31, 2020, as required by those sections. Furthermore, the 58  
Department shall not assign an overall letter grade under 59  
division (C) (3) of section 3302.03 of the Revised Code for any 60  
school district or building, shall not assign an individual 61  
grade to any component prescribed under division (C) (3) of 62  
section 3302.03 of the Revised Code, shall not assign a grade to 63  
any measures under division (C) (1) of section 3302.03 of the 64  
Revised Code, and shall not rank school districts, community 65  
schools, or STEM schools under section 3302.21 of the Revised 66  
Code for the 2019-2020 school year. 67

However, the Department shall report any data that it has 68  
regarding the performance of districts and buildings for the 69  
2019-2020 school year by September 15, 2020. 70

(2) The absence of report card ratings for the 2019-2020 71  
school year shall have no effect in determining sanctions or 72  
penalties, and shall not create a new starting point for 73  
determinations that are based on ratings over multiple years. 74  
The report card ratings of any previous or subsequent years 75  
shall be considered in determining whether a school district or 76  
building is subject to sanctions or penalties. If a school 77  
district or building was subject to any of the following 78  
penalties or sanctions in the 2019-2020 school year based on its 79  
report card rating for previous school years, those penalties or 80  
sanctions shall remain for the 2020-2021 school year. Those 81  
penalties and sanctions include the following: 82

(a) Any restructuring provisions established under Chapter 3302. of the Revised Code, except as required under federal law;	83 84
(b) Provisions for the Columbus City School Pilot Project under section 3302.042 of the Revised Code;	85 86
(c) Provisions for academic distress commissions under section 3302.10 of the Revised Code. While a district subject to an academic distress commission prior to the effective date of this section shall be considered to be subject to an academic distress commission for the 2020-2021 school year, that year shall not be included for purposes of determining progressive consequences under divisions (H), (I), (J), (K), and (L) of section 3302.10 of the Revised Code that are in addition to those that were being exercised by the chief executive officer during the 2019-2020 school year or for purposes of the appointment of a new board of education under division (K) of that section. Nothing in division (B) (2) (c) of this section shall be construed to limit the powers that the chief executive officer exercised under section 3302.10 of the Revised Code prior to the 2020-2021 school year.	87 88 89 90 91 92 93 94 95 96 97 98 99 100 101
(d) Provisions prescribing new buildings where students are eligible for the Educational Choice Scholarships under section 3310.03 of the Revised Code;	102 103 104
(e) Provisions defining "challenged school districts" in which new start-up community schools may be located, as prescribed in section 3314.02 of the Revised Code;	105 106 107
(f) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised Code;	108 109 110
(g) Provisions of state or federal law that identify	111

school districts or buildings for comprehensive or targeted 112  
support and improvement or additional targeted support and 113  
improvement. Districts and buildings so identified shall 114  
continue to receive supports and interventions consistent with 115  
their support and improvement plans in the 2020-2021 school 116  
year. 117

(h) Provisions that determine the conditions under which 118  
community schools may change sponsors under section 3314.034 of 119  
the Revised Code. 120

(C) No school district, community school, or STEM school 121  
and no chartered nonpublic school that is subject to section 122  
3301.163 of the Revised Code shall retain a student in the third 123  
grade under that section or section 3313.608 of the Revised Code 124  
based solely on a student's academic performance in reading in 125  
the 2019-2020 school year unless the principal of the school 126  
building in which a student is enrolled and the student's 127  
reading teacher agree that the student is reading below grade 128  
level and is not prepared to be promoted to the fourth grade. 129

(D) (1) Division (D) of this section applies to any student 130  
who meets both of the following criteria: 131

(a) The student was enrolled in the twelfth grade in the 132  
2019-2020 school year or was on track to graduate in the 2019- 133  
2020 school year, as determined by the school district or other 134  
public or chartered nonpublic school in which the student was 135  
enrolled, regardless of the graduation cohort in which the 136  
student is included. 137

(b) The student had not completed the requirements for a 138  
high school diploma under section 3313.61, 3313.612, or 3325.08 139  
of the Revised Code or under Section 3 of H.B. 491 of the 132nd 140

General Assembly, as of March 17, 2020. 141

(2) A city, exempted village, local, or municipal school 142  
district, a community school, a STEM school, a chartered 143  
nonpublic school, the State School for the Blind, and the State 144  
School for the Deaf shall grant a high school diploma to any 145  
student to whom this section applies, if the student's 146  
principal, in consultation with teachers and counselors, reviews 147  
the student's progress toward meeting the requirements for a 148  
diploma and determines that the student has successfully 149  
completed the curriculum in the student's high school or the 150  
individualized education program developed for the student by 151  
the student's high school pursuant to section 3323.08 of the 152  
Revised Code, or qualified under division (D) or (F) of section 153  
3313.603 of the Revised Code, at the time the student's school 154  
closed pursuant to the Director of Health's order under section 155  
3701.13 of the Revised Code "In Re: Order the Closure of All K- 156  
12 Schools in the State of Ohio" issued on March 14, 2020. No 157  
district or school shall grant a high school diploma under 158  
division (D) (2) of this section after September 30, 2020. 159

(3) If the board of education of a school district or the 160  
governing authority of a community school, STEM school, 161  
chartered nonpublic school, the State School for the Blind, or 162  
the State School for the Deaf has adopted a resolution under 163  
division (E) of section 3313.603 of the Revised Code requiring a 164  
more challenging curriculum than otherwise required under 165  
division (C) of that section, the district superintendent or the 166  
chief administrator of the school may elect to require only the 167  
minimum curriculum specified in division (C) of that section for 168  
the purpose of determining if a student to whom division (D) of 169  
this section applies has successfully completed the curriculum 170  
under division (D) (2) of this section. If such an election is 171

made, the superintendent or chief administrator shall evaluate 172  
each student to whom division (D) of this section applies using 173  
the minimum curriculum specified in division (C) of this 174  
section. 175

(4) It is the intent of the General Assembly that school 176  
districts and other public and private schools do both of the 177  
following: 178

(a) Continue to provide ways to keep students actively 179  
engaged in learning opportunities between March 17, 2020, and 180  
the remainder of the school year; 181

(b) Grant students who need in-person instructional 182  
experiences to complete requirements for a diploma or a career- 183  
technical education program access to school facilities as soon 184  
as it is reasonably possible after the Director of Health 185  
permits such access to resume, even if the last instructional 186  
day of the school year has already passed. 187

(E) For the purpose of teacher evaluations conducted under 188  
sections 3319.111 and 3319.112 of the Revised Code, no school 189  
district board of education shall use value-added progress 190  
dimension data, established under section 3302.021 of the 191  
Revised Code, from the 2019-2020 school year to measure student 192  
learning attributable to the teacher being evaluated. 193

(F) For community school sponsor evaluations required 194  
under section 3314.016 of the Revised Code, the Department shall 195  
not issue a rating for the academic performance component under 196  
division (B)(1)(a) of that section to any sponsor and shall not 197  
include academic performance in the calculation of an overall 198  
rating for the sponsor. The Department's rating of a sponsor for 199  
the 2019-2020 school year shall be based only on the components 200

listed in divisions (B) (1) (b) and (c) of that section. 201

In evaluating a sponsor based on the components in 202  
divisions (B) (1) (b) and (c) of section 3314.016 of the Revised 203  
Code for the 2019-2020 school year, the Department shall not 204  
find a sponsor or a school out of compliance with an applicable 205  
law or administrative rule for any requirement for an action 206  
that should have occurred while schools were closed pursuant to 207  
the Director of Health's order under section 3701.13 of the 208  
Revised Code "In Re: Order the Closure of All K-12 Schools in 209  
the State of Ohio" issued on March 14, 2020, any local board of 210  
health order, or any extension of an order. 211

(G) The Superintendent of Public Instruction may waive the 212  
requirement to complete any report prescribed by law that is 213  
based on data from assessments that would have been but were not 214  
administered during the 2019-2020 school year pursuant to 215  
division (A) of this section. 216

(H) The Department, on behalf of the State Board of 217  
Education, may issue a one-year, nonrenewable provisional 218  
license to any individual to practice in any category, type, and 219  
level for which the State Board issues a license pursuant to 220  
Title XXXVIII of the Revised Code, if the individual has met all 221  
requirements for the requested license except for the 222  
requirement to pass an examination prescribed by the State Board 223  
in the subject area for which application is being made. Any 224  
individual to whom a provisional license is issued under this 225  
division shall take and pass the appropriate subject area 226  
examination prior to expiration of the license as a condition of 227  
advancing the license in the appropriate category, type, and 228  
level. The Department shall not issue a provisional license 229  
under this division that is valid on or after July 1, 2021. 230



(I) The Superintendent of Public Instruction may extend or	231
waive any deadline for an action required of the State Board of	232
Education, the Department of Education, or any person or entity	233
licensed or regulated by the State Board or Department during	234
the duration of the Director of Health's order under section	235
3701.13 of the Revised Code "In re: Order the Closure of All K-	236
12 Schools in the State of Ohio" issued on March 14, 2020, or	237
any local board of health order, and any extension of any order,	238
based on the implications of COVID-19, as necessary to ensure	239
that the safety of students, families, and communities are	240
prioritized while continuing to ensure the efficient operation	241
of the Department and public and private schools in this state.	242
Deadlines that may be extended or waived by the State	243
Superintendent include, but are not limited to, deadlines	244
related to the following:	245
(1) The conduct of evaluations for school personnel under	246
Chapter 3319. of the Revised Code;	247
(2) Notice of intent not to reemploy school personnel	248
under Chapter 3319. Of the Revised Code;	249
(3) The conduct of school safety drills under section	250
3737.73 of the Revised Code;	251
(4) The emergency management test required by division (E)	252
of section 3313.536 of the Revised Code;	253
(5) The filling of a vacancy in a board of education;	254
(6) Updating of teacher evaluation policies to conform	255
with the framework for evaluation of teachers adopted under	256
section 3319.112 of the Revised Code;	257
(7) Identification and screening of gifted students under	258
Chapter 3324. of the Revised Code.	259

(J) Notwithstanding anything in the Revised Code or 260  
Administrative Code to the contrary, the Chancellor of Higher 261  
Education, in consultation with the Superintendent of Public 262  
Instruction, may waive, extend, suspend, or modify requirements 263  
of the College Credit Plus program if the Chancellor, in 264  
consultation with the Superintendent, determines the waiver, 265  
extension, suspension, or modification is necessary in response 266  
to COVID-19. 267

(K) The Superintendent of Public Instruction shall 268  
collaborate with providers in the 22+ Adult High School Diploma 269  
Program authorized under sections 3314.38, 3317.23, 3317.231, 270  
3317.24, and 3345.86 of the Revised Code and the Adult Diploma 271  
Program authorized under section 3313.902 of the Revised Code, 272  
and rules adopted thereunder, to ensure that the providers have 273  
maximum flexibility to assist students whose progress in the 274  
program has been affected by the Director of Health's order to 275  
complete the requirements to earn a high school diploma. For 276  
this purpose, the State Superintendent may waive or extend 277  
deadlines, or otherwise grant providers and students 278  
flexibility, for completion of program requirements. 279

(L) No school district shall require the parent of any 280  
student who was instructed at home in accordance with section 281  
3321.04 of the Revised Code for the 2019-2020 school year to 282  
submit to the district superintendent the results of a 283  
standardized achievement assessment administered to the student 284  
as a condition of the district allowing the student to continue 285  
to receive home instruction for the 2020-2021 school year. 286

(M) Notwithstanding anything in the Revised Code to the 287  
contrary, the board of education of any school district that, 288  
prior to the Director of Health's order under section 3701.13 of 289

the Revised Code "In re: Order the Closure of All K-12 Schools 290  
in the State of Ohio" issued on March 14, 2020, had not 291  
completed an evaluation that was required under Chapter 3319. of 292  
the Revised Code for the 2019-2020 school year for an employee 293  
of the district, including a teacher, administrator, or 294  
superintendent, may elect not to conduct an evaluation of the 295  
employee for that school year, if the district board determines 296  
that it would be impossible or impracticable to do so. If a 297  
district board elects not to evaluate an employee for the 2019- 298  
2020 school year, the employee shall be considered not to have 299  
had evaluation procedures complied with pursuant to section 300  
3319.111 of the Revised Code for purposes of section 3319.11 of 301  
the Revised Code. The district board may collaborate with any 302  
bargaining organization representing employees of the district 303  
in determining whether to complete evaluations for the 2019-2020 304  
school year. Nothing in this section shall preclude a district 305  
board from using an evaluation completed prior to the Director 306  
of Health's order in employment decisions." 307

After line \_\_\_\_\_, insert: 308

"**Section 2.** This act is hereby declared to be an emergency 309  
measure necessary for the immediate preservation of the public 310  
peace, health, and safety. The reason for such necessity is to 311  
address urgent needs of the state during the period of emergency 312  
arising from a COVID-19 outbreak. Therefore, this act shall go 313  
into immediate effect." 314

The motion was \_\_\_\_\_ agreed to.

<b>Waiver of education requirements due to COVID-19 emergency</b>	316
<b>Section 1</b>	317
For the 2019-2020 school year, due to the Director of	318
Health's order "In Re: Order the Closure of All K-12 Schools in	319
the State of Ohio" issued on March 14, 2020, any local board of	320
health order, or any extension of an order to close all	321
kindergarten through 12th grade schools, does all of the	322
following:	323
Exempts all public and chartered nonpublic schools from	324
administering state achievement and alternative assessments,	325
including the Ohio English Language Proficiency Assessment	326
administered to English learners, WebXams, and the Alternate	327
Assessment for Students with Significant Cognitive Disabilities.	328
Prohibits the Department of Education from subtracting	329
from a district or school's state aid account for students who	330
were unable to complete assessments.	331
Prohibits an e-school from withdrawing students who were	332
unable to complete assessments.	333
Specifies that students participating in the Educational	334
Choice Scholarship Program, the Jon Peterson Special Needs	335
Scholarship Program, or the Pilot Project (Cleveland)	336
Scholarship Program must be considered eligible to renew that	337
scholarship for the 2020-2021 school year in spite of the	338
student not being administered an assessment in the 2019-2020	339
school year.	340
Prohibits the Department from publishing and issuing	341
ratings for overall grades, components, and individual measures	342
on the state report cards, report cards for dropout recovery	343
schools, report cards for joint vocational school districts and	344

other career-technical planning districts, and submitting	345
preliminary data for report cards for school districts and	346
buildings.	347
Establishes a safe harbor from penalties and sanctions for	348
districts and schools based on the absence of state report card	349
grades for the 2019-2020 school year. Includes safe harbor from:	350
- Restructuring under state law based on poor performance;	351
- The Columbus City School Pilot Project;	352
- Provisions for academic distress commissions and	353
progressive consequences for existing commissions (but	354
specifically retains the chief executive officer's powers prior	355
to the 2020-2021 school year);	356
- Buildings becoming subject to the Educational Choice	357
Scholarship;	358
- Determination of "challenged school districts" where new	359
start-up community schools may be located;	360
- Community school closure requirements;	361
- Identification of school districts and buildings for	362
federal and state targeted support and improvement;	363
- Conditions under which community schools may change	364
sponsors.	365
Exempts schools from retaining students in the third grade	366
under the Third-Grade Reading Guarantee, unless the school	367
principal and student's reading teacher determine the student is	368
not reading at grade level.	369
Permits public and private schools to grant a diploma to	370
any student on track to graduate and for whom the principal, in	371

consultation with teachers and counselors, determines that the 372  
student has successfully completed the student's high school 373  
curriculum or individualized education program at the time of 374  
the Director's order. 375

Permits a district or school that has previously adopted a 376  
resolution to exceed the minimum curriculum requirements 377  
prescribed under current law to elect to require only the 378  
minimum curriculum for the purpose of determining high school 379  
graduation for the 2019-2020 school year. 380

Declares the intent of the General Assembly that school 381  
districts and other public and private schools continue to find 382  
ways to keep students actively engaged in learning opportunities 383  
for the remainder of the school year and to grant students who 384  
need in-person instructional experiences to complete diploma 385  
requirements or career-technical education programs to access 386  
school facilities as soon as reasonably possible after the 387  
Director of Health permits such access, even if the last 388  
instructional day of the school year has passed. 389

Prohibits the use of the value-added progress dimension 390  
from the 2019-2020 school year to measure student learning 391  
attributable to teachers for their performance evaluations. 392

For community school sponsor ratings: (1) prohibits the 393  
Department from issuing a rating for the academic performance 394  
component; (2) prohibits the use of that rating for the overall 395  
rating; and (3) prohibits the Department from finding a sponsor 396  
out of compliance with applicable laws and rules for any 397  
requirement for an action that should have occurred while 398  
schools were closed. 399

Permits the Superintendent of Public Instruction to waive 400

the requirement to complete any report based on data from 401  
assessments that were to be administered in the 2019-2020 school 402  
year. 403

Permits the Department to issue one-year, nonrenewable, 404  
provisional licenses to educators that have met all other 405  
requirements for the requested license except for the 406  
requirement to pass a subject area exam prescribed by the State 407  
Board. However, an educator that is issued a provisional license 408  
is required to take and pass the appropriate subject area exam 409  
prior to expiration of the license as a condition of advancing 410  
the license. 411

Gives authority to the State Superintendent to adjust 412  
deadlines set in current law and required of the State Board of 413  
Education, educators, and schools, including: 414

-Teacher evaluations; 415

-Intent to reemploy notifications; 416

-School safety drills; 417

-Emergency management tests; 418

-Requirements to fill a vacancy on a board of education; 419

-Updating teacher evaluation policies; and 420

-Gifted screening requirements. 421

Permits the Chancellor of Higher Education, in 422  
consultation with the Superintendent of Public Instruction to 423  
extend, waive, or otherwise modify requirements of the College 424  
Credit Plus Program. 425

Permits the Superintendent of Public Instruction to waive 426  
or extend deadlines, or otherwise grant providers and students 427

flexibility, for completion of adult education program	428
requirements interrupted due to the COVID-19 outbreak.	429
Waives the requirement that the parents of a homeschooled student must submit assessment data to the resident school district as a condition of the district allowing the student to continue to receive home instruction for the 2020-2021 school year.	430 431 432 433 434
Permits a 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 district 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 shall be considered not to have had evaluation procedures complied with and shall not be penalized for the purpose of reemployment. Specifies that the district board may collaborate with any bargaining organization representing employees of the district in determining whether to complete evaluations for the 2019-2020 school year. Nothing in the amendment precludes a district board from using an evaluation completed prior to the Director of Health's order in employment decisions.	435 436 437 438 439 440 441 442 443 444 445 446 447 448 449
<b>Emergency clause</b>	450
<b>Section 2</b>	451
Declares an emergency.	452