



# Ohio Governor Signs Bill Granting School Districts Additional Flexibility During the COVID-19 Pandemic

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Recently signed into law by Ohio Governor Mike DeWine, House Bill (HB) 404 grants important flexibility and exceptions to school districts on a number of current and upcoming obligations. We [previously wrote](#) about how this law immediately extends the authority of members of all public bodies, including boards of education, to hold meetings and hearings remotely through July 1, 2021. HB 404 grants flexibility to schools for administering state assessments in the fall of the 2020–2021 school year:

- Under HB 404, there is no penalty for schools that fail to administer state assessments in the fall of 2020 to any student who (a) is being quarantined, (b) is medically compromised or has a family member who is medically compromised, (c) resides in an area subject to a stay-at-home order, or (d) is receiving instruction through remote learning and the assessment cannot be administered remotely. This provision applies to any state-mandated diagnostic assessment, the third-grade English language arts assessment, and the kindergarten readiness assessment. Importantly, this provision allows school districts to exempt students who are exclusively learning remotely from state assessments in the fall of the 2020–2021 school year if those assessments cannot be administered remotely. It is important to note that this provision is limited to assessments that are administered during the fall of the 2020–2021 school year.
- HB 404 provides flexibility on conducting health screenings for kindergarten and first-grade students:
  - Schools are typically required to conduct state-mandated health screenings for kindergarten and first-grade students by November 1. HB 404 states that schools will not be penalized for failing to provide these screenings by November 1 for students who (a) were

quarantined, (b) were medically compromised or had a family member who was medically compromised, (c) were subject to a stay-at-home order, or (d) were receiving remote instruction and the assessment could not be administered remotely. Schools are still required to conduct these student screenings but may forego the screenings until they can be conducted safely.

- HB 404 also grants flexibility for teacher, counselor, and administrator evaluations:
  - HB 404 grants school boards the ability to decide whether to conduct evaluations of teachers, counselors, administrators, or superintendents for the 2020–2021 school year if the board determines that it would be impossible or impracticable to do so. It also extends the use of existing teacher and administrator evaluation systems that existed prior to November 2, 2018 through the 2020–2021 school year, except for schools participating in the pilot program for the new evaluation system. As part of this, HB 404 requires that schools do not use value-added data for evaluating the performance of teachers, principals, or school counselors through the 2021–2022 school year.
- Finally, HB 404 allows community schools to take on the responsibility for providing transportation to their students during the 2020–2021 school year and to receive state funding for doing so.
  - Under existing law, in most situations, a student's school district of residence is responsible for transporting that student to and from their school. HB 404 allows community schools to voluntarily take on this responsibility from a student's district of residence and receive state funds related to the student's transportation.

HB 404 provides much needed guidance and reassurance to schools as they seek to navigate state requirements during the

COVID-19 pandemic.

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