New Ohio Law Provides Further Flexibility to Ohio Schools for the 2021-2022 School Year

Jan 05, 2022

Categories:

Publications

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Governor Mike DeWine recently signed Senate Bill 229 into law. The bill went into effect on December 14, 2021, as an emergency measure. The bill provides flexibility for Ohio K through 12 schools as they continue to respond to the COVID-19 pandemic but adds additional requirements. Among the bill's provisions, it:

- Permits schools to submit to the Ohio Department of Education (ODE), by April 30, 2022, a declaration to implement or discontinue use of a blending learning model during the 2021-2022 school year. Districts implementing such a model must provide or ensure that students have access to the internet and an appropriate device. They must also include filtering software on any district-provided devices, must monitor student achievement and progress, communicate with parents regarding student progress, and report information on participation to the ODE.
- Permits schools to adopt a resolution to continue to provide instruction using the school's remote learning plan submitted under H.B. 164 of the 133rd General Assembly if a student's parents or guardians submit a written request.
- Requires districts within 90 days to submit to the ODE a school remediation plan to address the loss of learning from the COVID-19 pandemic and post the remediation plan to the district's website. Schools that have submitted to the Department either an Extended Learning Plan before April 1, 2021, or a Local Use of Funds Plan before August 21, 2021, are deemed to have already satisfied this requirement.
- Makes changes to the state report cards. This includes (1) prohibiting the ODE from considering the newly implemented chronic absenteeism measure, which was added as part of the state report card effective September 30, 2021, for the 2021-2022 school year, (2) adding additional members to the

state report care review committee, and (3) requiring that a district's four-year adjusted cohort graduation rate be based on students who were continuously enrolled in the same district or building for grades 9 through 12.

- Allows licensed service providers to provide electronic or telehealth communications to special needs students at the request of the student's parent or guardian between July 1, 2021 and June 30, 2022.
- Permits a district that is operating an online learning option to make that option available during the 2021-2022 school year to students who are required to quarantine due to possible exposure to a contagious disease. The district is required to notify students and their parents of available learning options for the duration of the student's quarantine. The district is also required to report monthly the number of students quarantined and the duration of the quarantines to the ODE.
- Requires districts to incorporate financial literacy instruction into new or existing classes for students in the graduating classes of 2014 through 2025. For students in graduating class 2026 and beyond, a previous bill requires a half-unit (60 hours) in financial literacy instruction.
- Exempts districts from the retention requirements of the Third Grade Reading Guarantee for the 2021-2022 school year. If a student's principal and teacher, in consultation with the student's parent, agree that the student is reading below grade level and is not prepared to be promoted to fourth grade, the student may be retained.

In this continuously changing landscape of policy responses to the COVID-19 pandemic, it is important for districts to stay abreast of new opportunities for flexibility and new requirements.

If you have any questions or want to discuss how we can assist in your district's response to the COVID-19 pandemic, please contact Joe Scholler, Alex Ewing, Dr. Christopher Thomas, Jack Hemenway, or any attorney in Frost Brown Todd's Government Services Practice Group.