

# Legal Update

April 2021

## Permanent Virtual Meetings Permitted?

Ohio House Bill 43, introduced in the beginning of February, would modify existing Open Meetings law to permit public bodies such as community school boards to meet via teleconference or video conference. If passed, the bill would require public bodies to provide electronic access for the public to participate in hearings in which the public is entitled to participate and to listen to or observe meetings to which the public is entitled to listen or observe. As is true under the temporary laws permitting virtual meetings, the public body would be required to ensure that the public can observe and hear the deliberations of all the participating members of the public body, whether the member is participating in person or electronically.



## This Issue

House Bill 67

Assessments Required

## Graduation Changes for 2020-2021

In March emergency legislation regarding education moved extremely quickly through the Ohio General Assembly with nearly unanimous support. House Bill 67 was signed into law with immediate effectivity on March 20<sup>th</sup>. Recognizing the challenges COVID presented this school year, many of the provisions focused on providing graduation flexibility.

The new law permits 11<sup>th</sup> and 12<sup>th</sup> graders this school year to use course grades instead of end-of-course exam scores to meet graduation requirements. Schools also will not be required to administer the American History end-of-course exam.

HB 67 permits schools that have policies requiring greater than the state minimum graduation requirements to elect this year to only require the state minimum.

The law also creates an additional graduation eligibility for students who earn the OhioMeansJobs readiness seal. (This pathway is only available temporarily in 2020-2021.)

Additionally, the law allows schools to grant high school diplomas through September 30, 2021 to students who are on track to graduate if the principal, in consultation with teachers and counselors, reviews the student's progress toward meeting the requirements for a diploma and determines that the student has successfully completed the high school curriculum or individualized education program.



## Ohio School Funding

In February Governor DeWine introduced his executive budget for the next biennium (July 2021-June 2023). The budget includes several significant education provisions, including an increase of \$24 million for the Quality Community School Support fund.

The proposed increase from \$30 million to \$54 million per year is for high-performing charters, providing up to \$1,750 each fiscal year for each student deemed economically disadvantaged and up to \$1,000 for all other students.

The funds currently come from lottery money, but the Governor's proposal would change that to the general revenue fund. The Quality Community School Support fund was first part of DeWine's last budget, but the original \$30 million was insufficient to fully fund the program.

Community schools can qualify based on several sets of criteria including how well the school performed on the state report card, how long the school has been operating, percentage of disadvantaged students, and how well the operator performs in other states.

On another positive note regarding school funding, Governor DeWine recently restored \$260 million in cuts to K-12 schools and universities. The Governor signed an executive order rolling back cuts he originally ordered due to pandemic-related budget concerns. The order restores \$160 million to K-12 schools' basic state aid, equating to approximately half of the FTE funding reduction for charters.

House Bill 1, known as the Cupp-Patterson Plan is now receiving testimony in committee hearings and proposes an overhaul to Ohio's school funding.

## 2020-2021 Sunshine Law Training

Remember, each year all members of the governing authority of a community school, the designated fiscal officer of the school, the chief administrative officer, other administrative employees, and all individuals performing supervisory or administrative services for the school under a contract with the operator of the school must complete training on public records and open meetings laws.

Amy will be conducting training via Buckeye Charter School Boards  
April 19<sup>th</sup> 6:00pm  
April 28<sup>th</sup> 12:00  
May 6<sup>th</sup> 12:00  
June 15<sup>th</sup> 12:00  
Contact BCSB for registration information:  
[info@buckeyecharterboards.org](mailto:info@buckeyecharterboards.org)  
Or to arrange other times contact Becky Enz at  
[Becky@AmyGoodsonLaw.com](mailto:Becky@AmyGoodsonLaw.com)

Fiscal Year 2020 audits had an increased focus on public records compliance. Our office can share insights to help your school avoid audit issues in the future.



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### Q: Is there any update on whether state assessments will be required this school year?

A: While the U.S. Department of Education has made clear that it will not be granting testing waivers to states this school year, the U.S. Department is permitting flexibility for this spring's tests in that the assessments may be shorter, given online, or delayed even as late as fall.

In that vein, Ohio House Bill 67 described on the front of this publication extended spring testing windows.

HB 67 also requires the Ohio Department of Education to seek a waiver from the US Secretary of Education for the accountability and school identification requirements of the Elementary and Secondary Education Act.