

Legal Update

December 2022

End of the Calendar Year Reminders

Though your school's fiscal year runs from July 1st through June 30th, some calendar year end dates are worth noting.

If your board's sponsor contract is due to expire June 30, 2023 and you do not wish to renew with that sponsor, you must notify your sponsor by December 31st. Your sponsor should be notifying you soon whether they have elected to renew. By law, they must notify you by January 15th.

Similarly, if your board contracts with an operator and your management agreement expires June 30, 2023, your agreement may require 180 days or 6 months' advance notice of your intent to non-renew so that automatic renewal provisions do not take effect. If that is the case for your board, you may wish to notify your current operator by December 31st of your intent to non-renew so that you preserve your right to change operators if desired or negotiate new terms with the same operator.



This Edition

Lame Duck Legislation

Senate Bill 178 – Limiting State BOE Responsibilities

Senate Bill 178 is aimed at minimizing the powers of the State Board of Education and shifting most education responsibilities to a new position in the governor's cabinet.

If passed, SB 178 would eliminate most educational responsibilities from the board except teacher licensing, staff conduct hearings, school territory transfer decisions, and selection of the state superintendent of public instruction.

The bill proposes to create a new agency titled the Department of Education and Workforce. The cabinet would focus both on primary and secondary education as well as preparing students for the workforce.

The proposed law would not alter the membership of the board, which would continue to consist of nineteen members, 11 elected and 8 appointed by the Governor.

Sponsors and proponents of the bill question the purpose of the state board and point to the boards' failures, including failing to hire a new state superintendent in recent years.

Some that disagree with the bill think the measure is a reaction by Republicans in opposition to critical race theory and gender identity issues after several Democratic victories in November's election gave Democrats a majority of the board.

While the board's 11 elected seats are nonpartisan, local political parties have a history of supporting and endorsing candidates who align with party values and positions on education matters.

Whether the bill will pass during the lame duck session remains to be seen. Similar efforts have been made in Ohio in the past. Former governors Voinovich and Kasich tried to move state board of education powers under the governor's office.



Potential Changes to 3rd Grade Reading Guarantee

House Bill 497 proposes to eliminate grade retention under Ohio's Third Grade Reading Guarantee law. Current law requires schools to retain third grade students who fail to demonstrate their ability to read proficiently at that grade level.

The Guarantee includes several components aimed at helping to ensure students receive reading support, including annual diagnostic tests in grades kindergarten through second, parent notification of the child being off-track for proficiency, and reading improvement plans.

While most agree with Guarantee's intervention elements, vast disagreement exists regarding the retention component.

Legislators sponsoring HB 497 contend that mandatory retention disproportionately impacts Black and economically disadvantaged students. Proponents further contend that grade retention does not result in increased achievement in reading. They cite ODE data that only 14% of students retained under the Third Grade Reading Guarantee achieve proficient ratings after repeating grade three.

Others, including educational Think Tank and charter school sponsor Fordham Institute, oppose HB 497. Instead, they support retaining the current law asserting that grade retention is a weakening of learning standards. Fordham states that students who cannot read at grade level will fall behind their peers in most other content areas.

The state Board of Education recently passed a resolution supporting HB 497's repeal of mandatory retention. The board voted 18-1 to recommend eliminating grade retention.

Q & A

Q: Will there be education related laws passed this lame duck session?

A: After each November election for new state legislators, Ohio sees legislation introduced in what is termed the "lame duck session" (the period of time when members of the General Assembly are still in office but will no longer be when the new term begins). Education related laws are often passed at this time.

In addition to laws proposing to reduce state BOE authority and eliminate grade retention under the Third Grade Reading Guarantee, HB 554 aims to help address the teacher shortage by easing licensure requirements. Additionally, HB 748 proposes requiring school boards to adopt policies that prohibit school employees from engaging in political or religious advocacy by compelling students to affirm specific beliefs and from unfairly evaluating students' work because it does not reflect specific ideological beliefs.

Happy Holidays!

The team at Amy Goodson Co. wishes you very happy holidays!

It has been our pleasure to work for and with you this past year.

We thank you for the opportunity to have done so.

We look forward to our continued work together in 2023.

Our best,
Rebecca
Becky
Amy
Carlana



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For more information about the contents of this publication or for legal services contact:

amy@amygoodsonlaw.com

330.962.6776

www.amygoodsonlaw.com