

Legal Update

March 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

School Funding
State Assessments

State Encourages In-Person Schooling

At its February meeting, the State Board of Education passed a resolution to “Re-Affirm the Irreplaceable Role of In-Person Learning for K-12 Education in Ohio.”

The resolution called on local school boards, working in collaboration with their respective superintendents and local health departments, to provide where feasible a fully in-person, non-hybrid learning option for all students whose families desire it.

The resolution also urged local school boards to implement solutions to protect teachers and staff who are at high-risk and to provide for those families who continue to desire a remote learning option for their children during the pandemic.

As of the end February, ODE reported the following statistics regarding the number of districts offering in-person learning:

School Model Status Update

Model Type	Districts	Pct. of All Districts	Head Count in Those Districts	Pct of Total Head Count
5-Day In-Person	416	68.3%	770,737	50.8%
Full Access to Hybrid	178	29.2%	553,260	36.5%
Partial Access to Hybrid	5	0.8%	89,456	5.9%
Fully Remote	10	1.6%	103,805	6.8%
Total	609	100.0%	1,517,258	100.0%

Ohio Department of Education

Governor DeWine also continues to urge schools to resume in-person learning. He recently announced that he wants all school districts in the state to provide by April 1st a plan to address COVID-19 learning loss. DeWine mentioned ideas such extended school days, extending the current school year, and starting the 2021-2022 school year early.



Ohio School Funding Updates

Last month 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 is now pending and proposes an overhaul to Ohio's school funding system. Much of the bill mirrors last year's Cupp-Patterson plan.

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.

If you or your board have not yet completed the training for the 2020-2021 school year, please contact Becky Enz at Becky@AmyGoodsonLaw.com to arrange training.

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.

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

A: In late February the U.S. Department of Education announced that it would not be granting testing waivers to states for this school year.

However, USDOE did state that they will provide flexibility for this spring's federally required K-12 tests. The guidance states that assessments must still be administered in some form, but they may be shorter, given online, or even delayed until fall.

The Department will allow states to request a waiver of federal accountability standards tied to test participation levels and performance. Additionally, USDOE encouraged states and schools to consider other steps within their purview to further reduce the stakes of assessments this year, such as "excluding their use from students' final grades and grade promotion decisions." Ohio has already done just that by not issuing Local Report Card grades this year and temporarily suspending penalties associated with Local Report Card measures.

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