

# Legal Update

Summer 2022

## State Superintendent Update

After a search this winter and spring, the State Board of Education completed its selection process and appointed Steve Dackin as the 39th superintendent of public instruction.

Due to circulating concerns regarding Mr. Dackin serving as the vice president of the State Board when the search began, he resigned the position after only eleven days on the job.

In June the Board appointed as interim superintendent Dr. Stephanie Siddens who had served as interim between former superintendent Paula DeMaria and Mr. Dackin. The Board has begun a new search.



**This Edition**  
School Safety  
Substitute Teachers

## Deadly Weapons in School Safety Zones

In June Governor DeWine signed into law House Bill 99 which establishes the Ohio School Safety Crisis Center and the Ohio Mobile Training Team to develop a curriculum and provide instruction and training for individuals to carry deadly weapons in a school safety zone.

Generally, Ohio law prohibits individuals from being armed in a school safety zone (a school, school premises, school activity, school bus). HB 99 exempts from this general prohibition individuals who are trained under the new law and who are explicitly permitted by that specific school board to carry on that school district or community school's property.

The bill exempts individuals from peace officer training requirements (700 hours) and rather only entails the instruction required of private investigators and security guards in the state of Ohio. The new law requires 24 hours of training with annual requalification of up to 8 hours. However, individual school boards can require additional training.

The curriculum required must include, among others, instruction on mitigation techniques, crisis intervention, trauma and first aid. Again, however, individual school boards can require a more demanding training curriculum.

If a school board decides to utilize the new law, the board must notify the public that the board has authorized one or more persons to go armed within the relevant school safety zone/s.

If a board does authorize an individual to bear deadly weapons, such individuals must submit a criminal records check annually.

Additionally, schools must provide the School Safety and Crisis Center a current list of the qualified personnel authorized to carry weapons. The list, notably, is defined under the new law as NOT a public record.

Ohio's new constitutional carry law SB 215 which went into effect June 13<sup>th</sup> eliminating the requirement for a permit to carry a concealed weapon only contains minor changes regarding firearms in school safety zones. With very narrow exceptions, Ohio law generally still prohibits carrying a firearm in a school safety zone.



## House Bill 583

Prior to adjourning for the summer, the Ohio General Assembly passed HB 583 which at the time of this publication was awaiting the governor's signature.

The bill extends through the 2023-2024 school year the ability for schools to hire substitute teachers who do not have a bachelor's degree.

The bill also delays the new dyslexia screening requirements. Schools will now have until 2023-2024 to begin annually conducting tier one screenings of students in grades K-6.

The bill also makes the following charter school related changes:

- Provides sponsors safe harbor from penalties based on sponsor ratings issued for the 2021-2022 school year.
- Requires sponsors' overall sponsor performance rating for the 2021-2022 school year to be the higher of their rating the sponsor received for the 2018-2019 school year or the rating calculated using data from 2021-2022.
- In the 2022-2023 school year low-performing charter schools are permitted to enter into a contract with a new sponsor without ODE approval.

• Prohibits ODE from rating a sponsor as overall "ineffective" because the sponsor earned zero points on one of the three components of the sponsor performance review.

• Allows schools designated as a "Community School of Quality" for the 2019-2020 school year to keep that designation for the 2022-2023 school year. This then allows such schools to receive additional funding up to \$1,750 in each fiscal year for each pupil identified as economically disadvantaged and up to \$1,000 in each fiscal year for all other pupils.

## School Safety

In the wake of the most recent mass school shooting in Uvalde, Texas, Ohioans are asking what can be done to increase school safety.

In June Governor DeWine signed a \$3.5 billion capital budget for the state, which included \$100 million to the Ohio Department of Public Safety for public and private K-12 school safety grants.

Grants can cover expenses such as visitor badging systems, communication equipment, GPS tracking on bussing, exterior facility lighting, and door-locking systems.

## Q & A

### **Q: Are free lunches ending in schools?**

**A: Yes and No.** Schools have been able to offer free breakfast and lunch to all students for the past two school years due to COVID related issues and associated federal waivers.

However, starting this coming school year, schools must return to pre-pandemic processes.

In March 2020, Congress allowed the USDA to issue child nutrition waivers, which allowed schools to receive reimbursement for serving free food to all students, regardless of families' financial need. Extension of the waivers was not included in the latest federal spending bill reasoning that it was no longer necessary after more than two years into the pandemic.

However, please note that schools with school-wide poverty levels can still offer all students free meals.

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