

Legislative Liaison Blog

Governor DeWine has given school districts full control over decisions about reopening of schools – when and how – amid continued pandemic concerns. Additionally, the Ohio Legislature approved three key pieces of legislation the week of June 8th. The concurrent SB319 (and some of HB164) explains numerous emergency and temporary measures for school operations in light of COVID-19 through the 2020-2021 school year. The main focus of HB164, in addition to school operations adjustments, and SB292 are to expand the religious rights of students in the classroom and on the sports field.

SB319 (and some of HB164) details everything from evaluating faculty and students to reinforcing online training, adjusting assignments of faculty, and actually offers additional funding provisions – all temporarily. Some details that stand out include:

- Provides local flexibility in determining promotion to fourth grade for the 2020-21 school year, along with other evaluative allowances for both students and faculty;
- Permits districts that do not currently operate a blended learning model to adopt a “remote learning plan” by July 31, 2020
- Requiring the Ohio Department of Education to develop an online training program to satisfy the classroom portion of pre-service and annual in-service training for school bus driver certification for the 2020-21 school year only.
- Allows districts temporary authority for the 2020-21 school year to assign teachers to teach courses and grade levels for which they do not hold the subject area or grade band license, along with temporary furlough authority
- Adds school psychologists to the list of providers eligible to serve special education students electronically for the 2020-21 school year;
- Provides a number of CARES Act and other additional alternative funding for 2020-21 school year for the emergency/temporary adjustments.

HB164 also expands the religious liberties in the public-school classroom: “Each school district may provide for a moment of silence each school day for prayer, reflection, or meditation upon a moral, philosophical, or patriotic theme,” in addition to providing students time for “activities of a moral, philosophical, or patriotic theme.” Of course, no student must be compelled to participate, nor can any public-school district “adopt any policy or rule respecting or promoting an establishment of religion or prohibiting any pupil from the free, individual, and voluntary exercise or expression of the pupil's religious beliefs.”

Similarly, SB288 is key in expanding religious liberties in sports. The bill permits the wearing of religious apparel in interscholastic or extracurricular sports or activities, except

if doing so poses a danger to the individual or other participants, for which the student must be offered “all reasonable accommodation to wear the apparel.” The various schools and sporting conferences would not be liable in civil action for injury, death, or loss of person or property unless willful misconduct is proven. Prohibitions cannot be created in the form of advanced approval nor written waivers, etc. equating to a reversal of this permission.

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