

**ALLIANCE FOR HIGH QUALITY EDUCATION**  
**All Member Conference Call**

**March 31, 2020**  
**10:00 A.M.**

**MEETING SUMMARY**

In attendance on phone conference: Jessica Voltolini, Tony Podojil, guests Kevin Miller (BASA), Julia Bauer and Derek Towster (Scott Scriven), and member representatives from 43 school districts.

Tony Podojil convened the meeting by phone conference at 10:00 a.m. The primary focus of this meeting was to give an update on the school/education-related provisions included in AM. Sub. HB 197, which was effective March 27.

Jessica introduced Julia Bauer and Derek Towster from Scott Scriven. Derek reminded everyone that the extension of the school closure to May 1 continues to keep school buildings closed for students and that the extension is consistent with what was discussed last week for the purposes of how collective bargaining agreements impact employee pay and benefits.

***Attorney Derek Towster's review of House Bill 197:***

**Assessments**

- Districts do not have to administer any of the remaining statewide assessments this school year
- ODE will not assign grades on report cards but will publish data on school performance
- The bill includes flexibility for districts/buildings to make decisions regarding the promotion of students to fourth grade under the Third Grade Reading Guarantee. The decision to retain a student is now based on discussion between the student's principal and reading teacher. If they agree the student's reading is below grade level and the student is not prepared to move to fourth grade, the student should be retained.

**March 17<sup>th</sup> Election**

- March 17<sup>th</sup> election voting has been extended to April 28; voters must have been registered by Feb 18 to be eligible to vote in the election.
- Levy collection schedules will not be altered by the extension of the election period.

**Delivery of Educational Services**

- Telehealth, intervention specialist, individuals licensed by the Ohio Speech and Hearing Professional Board, the Occupational Therapy Board, Physical Therapy and Athletic Training Board, the Board of Psychology, Counselors, Social Workers and basically all related service providers are now specifically authorized to provide services via electronic delivery methods (telehealth) to students who received those related services thru their school district prior to orders to close school buildings to students.
- in combination with the new Ohio Administrative Code (OAC) rules issued by the Ohio Department of Medicaid, related service providers are permitted to conduct the same levels of activity prior to closure as if it was face to face. So, there will be no Licensing board discipline taken against those individuals according to HB 197 and According to the OAC 5160.1.21
- Medicaid will still cover those services

**Blizzard Bags and School Calendar**

- Plan to make up lost hours utilizing the Blizzard Bag provisions under Ohio Revised Code (ORC) 3313.482 have been expanded. Under HB 197 that authority was significantly expanded allowing districts to either amend their plan or create a new plan. Previously, the maximum number of days under the statute a district could make-up 3 schooldays worth of hours. However, that was overridden by HB197. It is recommended that each district amends their plan to require students to access and complete schoolwork posted on the website to make up hours due to the closing of school buildings. Look at the number of hours you had

remaining to meet your state requirement at the time the closures occurred and provide that number of hours in your plan. Identify how those lessons will be provided, allowing for flexibility and post it on the district's website. Plans must still be approved by the district's teacher union.

- Continue to have regular communication with parents, be flexible and ensure equal access to every student.

### **Graduation Requirements**

- HB197 allows for the graduation of students enrolled in the 12<sup>th</sup> grade for the 2019-20 school year or students on track to graduate in the 2019-20 school year regardless of which cohort they were in, if the principal in consultation with teachers and counselors, reviews the student's progress and determines at the time school closed, the students has successfully completed the curriculum up to that point may graduate.
- School districts should continue to provide ways for students to actively engage in learning opportunities between March 17,2020 and the remainder of the school year.

### ***Attorney Julia Bauer review of House Bill 197:***

#### **Holding Board of Education Meetings**

- HB197 allows for board meetings and hearings to be held by teleconference or video conference from March 9, 2020 to the end of the emergency order or until December 1, 2020, which ever date occurs first.
- Board members that attend in this manner are considered present as if they are in person and may vote or be counted for purposes of reaching a quorum.
- Any resolution rule or formal action shall have the same effect as if it had occurred in an open meeting or hearing of the public body.
- Districts must provide notice of a meeting at least 24 hours in advance by reasonable methods to the public and media that has requested notification. Include the time, location, and the manner in which the meeting will be conducted.
- Districts must provide public access to meetings by either live streaming on the Internet, by local radio/television, call in information for a teleconference, or any other similar electronic technology.
- Ensure the public can observe and hear the discussion from all members whether they are participating in person or electronically.
- Meeting minutes continue to be required.
- Public participation is not required.
- District may want to consider some alternative way to provide public participation (written comments on agenda items)
- Boards will want to use separate call in numbers or video conference lines for Executive Sessions.

#### **Teacher Evaluation and OTES 2.0**

- The Superintendents of Public Instruction was given authority to waive or extend deadlines for evaluation for non-renewal school safety drills, Emergency Management testing, filling board vacancies, updating teacher evaluation policies, OTES 2.0 framework and identifying and screening of gifted students.
- The Chancellor of Higher Education in consultation with the Superintendent of Public Instruction has broad authority to waive or extend college credit plus timelines. ODE and ODHE have circulated a guidance document regarding CCP.
- ODE has extended OTES evaluations for 2019-20, evaluation has been extended to May 22 to complete and must be given to the teacher by May 29. Check labor agreement for set dates that may vary.
- The Superintendent has authority to extend the timeline to adopt that new OTES 2.0 and evaluation framework system to September 1.
- Districts now have the discretion to determine their readiness to implement OTES 2.0 for the 2020-21 school year and can delay for one year if your district is not a pilot district and you're not ready to start in August.
- The new law prohibits the use of value-added progress dimension data from the 2019-20 school year to measure student learning attributable to a teacher for evaluations.
- Districts may elect not to conduct an evaluation of an employee for 2019-20 if the district determines that it would be impossible or impractical to do so.
- If a district elects not to evaluate a teacher then the teacher will be determined not to have had their evaluations procedures complied with pursuant to existing law. The teacher will automatically be renewed.
- District boards can collaborate with their bargaining organization representing features to determine whether to complete evaluation for the 2019-20 school year.

## Licenses

- All licenses with ODE that expire on July 1, 2020 now have an expiration of September 1, 2020.
- ODE recommends local professional development committees continue to meet by telephone, video conference or other means in order to prove individual professional development plans and amended plans.
- May need to be approved by the local professional development committee to make those renewal possible by September 1.
- Background checks are still being processed check ODE website for instructions about how to collect fingerprints at home.
- Department of Education has been granted the authority to issue a one-time one-year temporary license for the 2020-2021 school year to any applicants who otherwise meets the qualifications for licensure but are unable to take their initial licensure exam.

## ED Choice

- Ed Choice has been frozen at the 517 buildings previously identified. The definition of siblings will allow families with children within a household to attend the same school on scholarship.

## Questions and Answers. (Towster, Bauer and Voltolini)

Q. In relation to distance learning hours per day, how will that count as we try to match that up to hours for a normal school day?

A. The law reads that each classroom teacher develops a sufficient number of lessons for each course that must be made up for the hours specified in the plan and that a lesson be posted for each course that was scheduled to meet on the day or hour of the closure, one lesson per course. How we define a course is going to differ by elementary school to middle school to high school but in general that decision for how long a lesson should be is going to be determined on a class by class basis based on the teacher. I know that I had one district that I spoke to yesterday was using the 40-minute mark. I went back and looked and it's at a high school level, so those lessons are intended to take 40 minutes to complete.

Q. What's the guidance about using virtual observations as data collection points?

A. There's nothing in the law preventing districts from conducting observations that way. For a teacher that needs their third observation to be completed, that may be the only way to do it at this point. Also, look at your individual collective bargaining agreements. Some are very specific about how observations must be done.

Q. On daily attendance, what's the guidance in terms of taking daily attendance, how to record it, ADM issues that go along with daily attendance?

A. We believe that the state, at least informally has provided guidance, saying that they were deeming student to be in attendance if involved in on-line learning activities. In terms of on-line live classes, we would recommend teachers take attendance.

Q. Clarify who has the authority to waive or extend various deadlines for school safety drills, changes to timelines for evaluations, etc.

A. That was given to the State Superintendent of Public Instruction to waive deadlines. There is nothing that a local board would need to adopt.

Q. We've got a lot of flexibility with graduation now but we will have students who will need more time like career tech kids, for the reasons that they can't get programs done and some other kids who just need more time, is there anything currently written beyond the flexibility to move students though to adjust for additional time that would not impact things like graduation rate going forward?

A. HB197 addresses curriculum that requires in person instructional experiences like career technical programs. It reads that it's the General Assembly's intent that school districts grant students who need in person instructional experiences to complete requirements for diploma access to school facilities as soon as

reasonably possible after the closure. The legislature intended for districts to delay providing those in-person requirements but try to provide them as soon as the closure ends so that we can graduate those students after they've completed those requirements.

Q. Have you seen advocacy for our legislators to give us some relief when it comes to delivering compulsory education hours and related services for children with disabilities? We're all going to be battling for the same providers to provide these services and I think this is going to be a big issue later.

A. We anticipate the legislature will be back end of May early June to do additional COVID-19 related legislation including appropriations, re-appropriation, and capital budget, we have not talked specifically yet about this and we can. I think the first step should be working with the Department, with respect to some of the money that the state is going to get from the feds under the CARES act that passed ODE. I think the first question is are we going to be able to use any of the CARES Act funding for this but we can certainly approach the legislature about it as well.

Just a reminder to everyone that when we looked at previous disasters in the United States the federal government did not grant any meaningful relief on many of these obligations especially related to special education. This is obviously a national disaster and maybe we'll get a little bit more flexibility from the federal government. Ultimately, we're going to need some of these waivers to come from federal legislation not just from our state in order for them to be effective.

Q. Can we request some flexibility and extensions to the timelines for end of year reports? Just from a practical standpoint because programs are going to continue even though we may have physically and virtually closed the school year.

A. We need to talk to ODE about what that means for reporting purposes. We can invite Kevin Miller (BASA) and Craig Burford (OESCA) and OASBO and create a joint list to advocate from with the ODE and legislation.

We will need to discuss options on pay for teachers and other staff. Closure of this year and opening of next year and how to move on to the next step.

Several districts are asking about closing early due to no exams, and only have staff attend or do something. Days to return devices and wrap up the year, clear out buildings, etc. As far as we know most districts plan to continue thru the end of the year.

Requested by Kevin Miller to please send any donations or equipment that you can to the hospitals in your area for mask etc.

***Next Conference Call:***

The next call will be **April 7, 2020, at 10 AM** by phone conference.

The meeting adjourned at 11:05 a.m.