

Ohio SB 229 Gives School Districts Flexibility for Alternative Learning Models

By Sherri Warner & Susan Keating Anderson

The General Assembly is again acting to provide schools (defined as school districts, chartered nonpublic schools, community schools and STEM schools) with additional flexibility to provide alternative learning models during the pandemic. Passage of Senate Bill 229, which contains an emergency clause, should conclude this week when the Senate concurs in House amendments and the Governor signs the bill. The emergency clause makes it effective upon his signature.

Once passed, this bill will allow districts to reinstitute their remote learning plans previously implemented through HB 164, the emergency legislation approved in July of 2020 to assist schools in reopening during the pandemic. **To do so, boards of education must adopt a resolution and notify the Ohio Department of Education by December 15, 2021.** Notably, these requirements do not apply to schools who implemented an online learning school pursuant to Section 3302.42 of the Ohio Revised Code, as amended by HB 110.

For schools that opt to take advantage of SB 229's remote learning authorization, the bill includes several requirements for the remote learning plans covered by the bill, which must be updated to include:

- (1) Meet all minimum school year requirements under section 3314.03 or 3313.48 of the Revised Code;
- (2) Ensure that students have access to the internet and to devices students may use to take part in online learning and provide an appropriate filtering device;
- (3) Track and document all student remote learning participation, including online and offline activities;
- (4) Report student attendance based on student participation;
- (5) Monitor and assess student achievement and progress and provide additional services if necessary to improve student achievement;
- (6) Periodically communicate with parents or guardians regarding student progress;
- (7) Develop a statement describing the school's approach to addressing nonattendance and its compliance with truancy procedures and requirements; and
- (8) Report to the Department of Education both of the following: (a) The total number of students engaged in remote learning by grade level; (b) The total number of students with disabilities engaged in remote learning.

Under SB 229, schools are also permitted to implement or discontinue a blended learning model during this school year; those that choose to do so will need to inform the Department by April 30, 2022. In addition, the bill requires each school district or school to complete a remediation plan addressing learning lost

during the pandemic, however Extended Learning Plans filed in April 2021 or Local Use of Funds Plans filed in August to obtain American Rescue Plan Relief funds will fulfill this requirement.

Districts that may want to take advantage of SB 229's remote learning provisions are urged to address the requirement of a board resolution as soon as possible. Given that many boards of education have a truncated meeting schedule in December, boards of education may want to approve a resolution at its next regular meeting, even before SB 229 is finally approved, to avoid the necessity of a special meeting.

If you would like more information and insight on this matter, please contact any of the listed Roetzel attorneys.

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