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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Office

S.B. 320
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 320's Bill Analysis](#)

Version: As Introduced

Primary Sponsor: Sen. M. Huffman

Local Impact Statement Procedure Required: No

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Highlights

- The bill requires public and nonpublic schools to decide whether to reopen for in-person instruction and what health safety measures to implement for the 2020-2021 school year. It also prohibits other public officials from closing schools or requiring adoption of health safety measures in that school year. Fiscal effects will depend on decisions made by school districts and other public schools. Approaches to instruction and operations may vary widely across the state.

Detailed Analysis

On March 14, 2020, the Director of Health issued an order closing all Ohio site-based schools serving any grades K-12 beginning March 17, due to the implications of the COVID-19 public health emergency. The most recent extension of that order, issued May 22, 2020, requires school buildings to remain closed to students through June 30, 2020, the end of the 2019-2020 school year.

The bill requires school districts, community schools, STEM schools, and nonpublic schools to decide whether to reopen for in-person student attendance for the 2020-2021 school year. If a district or school opens, the bill also specifies that the district board or school governing authority will determine what health safety measures and guidelines to implement to address COVID-19. The district board or school governing authority may close schools during the school year if the board or authority decides it is in the best interest of public health. For the 2020-2021 school year, the bill also prohibits any other government official from compelling a district or school to refrain from opening, causing a district or school to close its buildings, or determining what health and safety measures a district or school must implement.

The fiscal impact of the bill is uncertain, as it will depend on the decisions of individual school districts and other public schools, including with respect to the measures taken to

protect the health and safety of students and staff. Approaches to instruction and operations for the 2020-2021 school year may vary widely across the state. Schools that opt to reopen face the potential for increased expenditures depending on the type and extent of measures implemented to reduce COVID-19 risks. Potential costs to implement health and safety measures may include, among others, those for:

- Staffing, such as hiring additional janitorial staff, nurses, or other health care workers to carry out health and safety protocols, or substitute teachers to accommodate increased absences by vulnerable staff;
- Additional supplies necessary to maintain a safe environment, such as hand sanitizer, cleaning supplies, masks, and touchless thermometers; and
- Adjustments to student transportation in order to maintain rider distancing (including the possibility of additional bussing routes due to reduced bus capacity), as well as changes to school operations and schedules in order to maintain social distancing between students and staff in classrooms and common areas.¹

In addition to the expenditures associated with reopening, school districts and other public schools may face continuing expenditures to accommodate high-risk students and staff. This may include continuing online classes or other measures.

School districts and other site-based public schools that opt to continue providing online or distance learning in some capacity may incur increased costs for the technology necessary to extend online learning into the 2020-2021 school year but decreased costs associated with building operations and maintenance, utilities, and student transportation. Current law recently enacted in H.B. 164 of the 133rd General Assembly permits, for the 2020-2021 school year, a school district, site-based community school, or STEM school that has not otherwise been approved to use a blending learning model² under continuing law to adopt a plan to provide instruction using a remote learning model. Qualifying schools that desire to use a remote learning model must submit their plan to the Ohio Department of Education (ODE) by July 31, 2020. The plans are not subject to ODE approval.

Federal emergency relief funds have been made available to assist schools in preventing, preparing for, and responding to COVID-19. Background information about these funds is provided below.

Background – federal CARES Act emergency relief funds

The federal Coronavirus Aid, Relief, and Economic Security (CARES) Act will provide an estimated \$489.2 million in emergency relief formula funding through the Elementary and Secondary School Emergency Relief (ESSER) Fund for Ohio's public elementary and secondary schools. ODE must distribute at least 90% of Ohio's allocation to school districts and other

¹ Will, Madeline. "The Socially Distanced School Day." *Education Week*. June 10, 2020. Available online at <https://www.edweek.org/ew/issues/reopening-schools/the-socially-distanced-school-day.html>.

² A blended learning model combines education in a supervised physical location away from home and online delivery where the student has some control over the time, place, path, and/or pace of learning.

public schools (referred to in federal law as “local education agencies” or “LEAs”) in proportion to each LEA’s share of Title I, Part A funds (which assist in providing educational services for disadvantaged students) in the most recent fiscal year. Districts and schools may use the funds for a wide variety of activities. Among others, emergency relief formula funding may be used to:

- Maintain continuity of services and continue employment of existing LEA staff;
- Purchase educational technology to aid in educational interactions between students and teachers;
- Plan and coordinate for issues related to long-term school closure;
- Coordinate and improve COVID-19 preparedness and response efforts;
- Train LEA staff on sanitation and purchase supplies to sanitize school facilities;
- Provide mental health services and supports;
- Address the needs of individual schools and the unique needs of low-income children, students with disabilities, and other vulnerable populations; and
- Plan and implement summer learning and supplemental afterschool programs.

Up to 10% of the state’s allocation may be used for state-level activities. Of that, 0.5% may be used for administration and the remainder may be used to respond to emergency needs related to COVID-19, as determined by ODE.

In addition to the formula funds, the federal CARES Act provides Ohio with \$104.9 million under the Governor’s Emergency Education Relief (GEER) Fund. These funds will be distributed at the Governor’s discretion to provide emergency support through grants to LEAs or institutions of higher education that are determined to be the most significantly affected by COVID-19. Funding may also be used to provide support to other educational institutions deemed “essential” by the Governor for emergency educational services, the provision of childcare or early childhood education, social and emotional support, and the protection of education-related jobs. Both ESSER and GEER funds may be used for allowable costs incurred between March 13, 2020, the date the President declared the national emergency due to COVID-19, and September 30, 2022.