

OHIO HOUSE OF REPRESENTATIVES
COVID-19 LEGISLATIVE RESPONSE PACKAGE – HOUSE BILL 197
MARCH 25, 2020

1. K-12 Education

- a. **Testing & Accountability** – The bill eliminates state-mandated K-12 student assessments for the 2019-20 school year. It eliminates Ohio’s school district and school building report cards for the 2019-20 school year, prohibits ODE from assigning letter grades to buildings or districts, prohibits rankings based on report card data and creates “safe harbor” for schools and districts to ensure data from the 2019-20 school year will have no effect in determining sanctions or penalties. The proposal directs ODE to seek a waiver from federal testing requirements.
 - b. **Jon Peterson Special Needs/Autism Scholarships** – Allows for services to be provided to students by electronic delivery method or telehealth. This change is necessary for services to continue while schools are closed.
 - c. **EdChoice Scholarship** – The bill freezes the 2019-20 performance-based EdChoice building eligibility list at 517 buildings for the 2020-21 school year. The language allows siblings of current voucher students to participate. Under continuing law, the EdChoice application portal will open for 60 days beginning April 1, 2020, to process income-based EdChoice vouchers, renewals of existing performance-based vouchers, and new students attending the 517 buildings already on the list. The bill expressly prohibits expansion of the building list to 1,227 buildings.
 - d. **Student Meals** – For school districts that are providing meals to students who are home while schools are closed, this language gives the director of the Ohio Department of Agriculture the authority to provide an exemption from “food processing” requirements so those entities can focus on providing food to children that depend on these services.
 - e. **Distance Learning** – For the 2019-20 school year, permits districts and schools to make up through distance learning any number of days or hours necessary due to COVID-19-related closures. They may amend an existing plan or adopt one to make up those days or hours. Current law limits make up through distance learning to not more than three days.
 - f. **Teacher Evaluations and Licenses** – For current teachers, the bill provides flexibility for teacher evaluations that were due to be completed during the 2019-20 school year and removes the value-added component from the evaluation. For new teachers unable to take the final licensure test due to testing center closures, the bill provides them with a provisional teaching license for the 2020-21 school year if they have graduated from college, and have successfully completed student teaching and a background check.
- 2. 2020 Primary Election** – The primary election in-person voting was cancelled due to the public health crisis. Ohioans that were eligible to vote on March 17, 2020, will be able to cast their ballot by mail on or before April 28, 2020. Those Ohioans that cast their ballot early will have their vote count. The Ohio Secretary of State will mail all voters a postcard

informing them on how they will be able to request their ballot by mail from their local county Board of Elections. The board will send them their ballot and a postage paid return envelope.

3. Tax Year 2019 & 2020 Changes

- a. Ohio's tax filing deadline will be the same as the federal filing deadline, July 15.
- b. The legislation incorporates into Ohio law recent changes to the Internal Revenue Code or other federal law taking effect after March 30, 2018. The language also assures continued compliance with the streamlined sales tax compact in respect to sales of prescription incontinence products for Medicaid recipients.
- c. Other changes include Work From Home-related issues. As more of the workforce begins to Work from Home, questions have arisen regarding which municipal corporations may tax an employee's income. This addresses concerns of businesses regarding the "20-day rule" in municipal income tax by not requiring employers to withhold for employees' home municipalities for the duration of an employee working remotely, but rather to continue to withhold for the employee's traditional workplace. Also, without this change, once an employee has worked in a municipality for more than 20 days, that municipality may start taxing part of the employer's own income.

- 4. Rainy Day Fund** – Permits the DeWine administration, prior to the end of the fiscal year (June 30), to seek State Controlling Board approval to transfer funds from the state's Budget Stabilization Fund to the state's General Revenue Fund, if necessary, in order to end the fiscal year with a balanced budget. Approval for this transfer would be needed from at least two Controlling Board members from the House and two from the Senate in order for the request to be approved. Currently, there is \$2.7 billion in the Rainy Day Fund.

5. Local Governments

- a. **Open Meetings** – Grants members of a public body permissive authority to hold, attend and take public actions in public meetings by video conference, teleconference and any other available electronic means, provided certain requirements are met. The public body would be required to provide public access to a meeting held in this manner and ensure the public can observe and hear the discussions and deliberations. The public body would still have to provide proper meeting notice and have a quorum. Under the proposal, a "public body" has the same meaning as defined in ORC 121.22 and includes counties, townships, municipalities at the local level, as well as boards, commissions and other state-level entities.
- b. **Clean Water** – Access to clean water in homes is critical when dealing with the COVID-19 emergency. This language would provide the Director of Ohio Environmental Protection Agency authority to direct public water systems to not disconnect, and to restore service to homes that have had their water shut off for nonpayment. Many of the utilities have voluntarily taken this step, and the PUCO has ordered public utilities to do so.

- c. **Auditor of State** – Requested by the Auditor of State, this language allows the Auditor of State to waive certain criteria on a case-by-case basis to conduct an agreed-upon procedure audit of eligible subdivisions.
 - d. **Access to County Offices** – The bill generally requires the offices of a county recorder, county auditor and the title office of a clerk of court of common pleas, and a county map office, to remain open to land professionals and automobile, watercraft, all-terrain and mobile home dealers for property searches and title processing.
 - e. **Local Vacancies** – Provides a county central committee of a political party an additional forty-five days to fill a vacancy from the date the vacancy was required to be filled during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020.
- 6. Unemployment Compensation** – Places Executive Order 2020-03D in uncodified law that accomplishes three things:
- a. Eliminates the work search requirement during a declared public health emergency;
 - b. Eliminates the one-week waiting period during a declared health emergency; and
 - c. Allows for benefits paid during a declared health emergency to be mutualized across employers.
- 7. Licensure Extension** – This provision provides that any license issued under the Ohio Revised Code and which will expire between the effective date of the bill and December 1, 2020, is to be extended until December 1, 2020. This will apply to licensing such as drivers' licenses, vehicle registration, teachers license, CCW licenses, and all other licenses in the ORC.
- 8. Speedy Trials** –The provision tolls all criminal, civil, and administrative statutes of limitations, deadlines, and timelines until July 30, 2020. Courts and administrative bodies would not be able to operate without this temporary change in light of social distancing requirements.
- 9. Fee Waivers** – Allows the Ohio Public Works Commission, the Ohio Water Development Authority and the Ohio Environmental Protection Agency to waive certain penalties and late fees, suspend certain reporting requirements, and waive electronic recording fees until December 1, 2020, or until the governor rescinds the state of emergency order, whichever comes first.
- 10. Certified Registered Nurse Anesthetists** – The legislation includes House Bill 224, which clarified Ohio CRNA scope of practice by allowing facilities and medical staff to use CRNAs in all phases of anesthesia care in a way that will be the most efficient and cost effective for patients. House Bill 224, sponsored by Representatives Jon Cross and Shane Wilkin, was approved by the Ohio House in January by a vote of 94-2.

11. Child Care

- a. **Child Care Access** – Gives the Ohio Department of Job and Family Services flexibility to adjust child care ratios. By allowing flexibility within ratios, child care providers can continue to operate, even when a portion of their workforce are ill and unable to report to work.
- b. **Publicly-Funded Child Care** – In the event that an exigent circumstance orders the closure of child care providers, this language allows ODJFS to continue to pay publicly-funded child care providers regardless if they are watching children. This would only be permitted under a state ordered closure. No additional appropriation needed.
- c. **Step Up to Quality** – Delays the date by which publicly-funded child care providers must be rated through the Step Up to Quality Program from July 1, 2020, to September 1, 2020.

12. Workforce Access – This provision will allow certain state agencies to rehire recently retired personnel, such as corrections officers, without having to have them wait 2 months, to ensure they have adequate staffing at their facilities.

13. Healthcare Workforce Support – Supporting the existing health care workforce in the community is essential to the continuation of access to critical services. Certain provider classes will experience a substantial and disproportionate temporary loss of patient visitation and revenue as a result of COVID-19. Many providers will be adversely impacted, and the disruption will cause some provider businesses to cease to exist. The proposed language gives the Ohio Department of Medicaid in collaboration with the Governor and the Office of Budget Management additional flexibility to support the health care workforce and providers during this time of crisis. Additional program flexibility is necessary to avoid a significant workforce shortage and patient provider access shortages at the end of the COVID-19 emergency.

14. Temporary Nurse License – Suspends for the period of the COVID-19 emergency, the requirement that a prospective nurse pass the licensure examination and permits them to receive a temporary license to practice as a registered nurse or licensed practical nurse provided that they meet all other requirements, including completion of a nursing education program and criminal records check. The temporary license would be valid for 90 days after December 1, 2020, or 90 days after the COVID-19 emergency, whichever occurs first.