



What your district needs to know with COVID-19 legislation and orders set to expire

June 2, 2021

School districts have navigated numerous challenges over the past 16 months as a result of the COVID-19 pandemic, including compliance with emergency health orders, legislation, and federal, state and local guidance. As the 2020-2021 school year ends and school districts optimistically turn their attention to a new school year less obstructed by COVID-19, school districts must plan for the impact of the anticipated expiration of COVID-19 legislation and health orders in the coming weeks and months.

COVID-19 health orders

On May 12, 2021, Governor Mike DeWine announced the Ohio Department of Health will rescind all COVID-19 health orders on June 2, 2021, except those relating to congregate living centers and nursing homes. As a result, school districts face pressure to reevaluate their mask and social distancing policies for both employees and students entering summer school and the 2021-2022 school year. In doing so, a school district must examine local health department guidance and its own preferences in requiring teacher and student masks beyond the mandate, as well as whether it will inquire regarding the vaccination status of staff and students or use an honor system. A school district should discuss any such vaccination policy with its legal counsel to ensure compliance with state and federal law.

Virtual public meetings

Unless additional legislation is enacted, as of July 1, 2021, public bodies can no longer hold virtual public meetings, as allowed by House Bill 197 and extended by House Bill 404, and the requirement that public meetings be held in-person will resume. Board

members who attend remotely will no longer count toward quorum and will not be able to vote. Therefore, boards of education that have been utilizing virtual meetings due to the COVID-19 pandemic should consider if they would like to amend their pre-COVID board meeting policy, or are comfortable returning to the previous format and structure. It is also recommended that boards rescind their virtual public meeting policy to avoid confusion, unless a sunset provision, including the date the policy is no longer effective, is included in the policy. However, the Ohio legislature has included a provision in the various drafts of the biennial budget that would extend virtual public meetings until December 31, 2021. Therefore, boards should monitor this issue carefully in the weeks ahead to ensure their meetings are compliant with the law.

Teacher licensure

House Bill 404 extended the deadlines for state agencies and state licenses, including teaching licenses. An agency or license holder required to take action from March 9, 2020, to April 1, 2021, now has until July 1, 2021, to receive the proper license. Further, licenses otherwise expiring from March 9, 2020, to April 1, 2021, remain valid until July 1, 2021. School districts should ensure that all necessary licenses that expired during the pandemic are renewed by July 1, 2021, and should remind staff of, and carefully monitor this impending deadline.

Authors

Copyright © 2023 Bricker & Eckler LLP. All rights reserved.