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SENATE BILL 34
Senator Stephanie Kunze
Sponsor Testimony
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Chairwoman Lehner, Vice Chair Terhar, Ranking Member Fedor and members of the Senate Education committee. Thank you for the opportunity to present sponsor testimony on Senate Bill 34, legislation that would revise the law regarding background check policies for public and chartered nonpublic schools.

This concept is a reintroduction of Senate Bill 325 from the 132nd Ohio General Assembly. After Senate Bill 325 was introduced, I was contacted by the Ohio Department of Education (ODE) about proposed changes to the original language to help accomplish my legislative goal of keeping teachers with prior misconduct out of schools but help Ohio comply with new federal requirements in ESSA on aiding and abetting sexual abuse.

In June, the US Department of Education contacted ODE staff with information about new legal provisions in ESSA. Specifically, ESSA requires states to have laws in place that prevent state and local education agencies from assisting school employees from finding a new job if the individual has given the agency probable cause to believe that they have committed sexual misconduct with a minor.

Although Ohio has been graded highly among the states for our state's commitment to thorough background checks and stringent laws protecting students, ODE recognized the seriousness of this issue and the need to update our state regulations based on the new federal legislation.

What this legislation proposes:

Banning "Pass the Trash" Practices: Prohibits school employees and board members from assisting an individual in getting a new job at a school, if they have reasonable cause to believe the individual committed a sex offense involving a student. Too often, these individuals move from school to school with good references.

- **Automatic Inactivation for the Most Serious Crimes:** Requires ODE to automatically inactivate the license of an educator who is charged or indicted for an absolute bar offense until the criminal case is resolved. This would prevent someone

under investigation for these serious crimes from moving to another school to avoid scrutiny.

- **Sharing Reports of Criminal Behavior:** Requires ODE to provide the contents of any report received from school authorities regarding educator misconduct, when requested by a school hiring officer. Right now, those reports are confidential. Sharing these reports could prevent individuals under investigation from moving to new schools.
- **Closing the Contractor and Relationship Loopholes:**
 - Requires employees of contractors who provide services to schools to hold the same ODE-issued license that would be required of those individuals if they were employed directly by the school. Currently, contracted employees don't undergo the same rigorous checks as traditional school employees. This is a loophole that allows some prior offenders back into the classroom.
 - Clarifies that the State Board of Education may carry out its investigative duties even if there is no connection between an educator's misconduct and teaching duties. At times, a lack of clarity in the law prevents action against someone who has committed a crime because it isn't directly related to education. This can lead to known criminals being able to maintain their license to work with children.
- **Cracking Down on Test Cheats:** Gives the State Board of Education flexibility to take action against school employees for violations of testing protocol. Current law mandates a one-year suspension, which does not allow the State Board to adjust the penalty to the severity of the violation. Adds prohibitions against a person (1) obtaining prior knowledge of the contents of a state test, (2) using prior knowledge of the contents to help students prepare for the test, or (3) failing to comply with ODE rules on test security.
- **Creating a More Complete Background Review:**
 - Adds juvenile adjudications for the most serious offenses as a cause for automatic revocation or denial of a license. If committing a certain crime at 19 would forever bar you from working with students, committing the same crime at 17 should be no different.
 - Prohibits a court from exempting an applicant from the state's educator license regulations if the applicant was found guilty of a serious crime that could otherwise bar the applicant from licensure or employment with a school.

- **Aligning the Investigative Process:**

- Aligns the law with current practices regarding ODE's investigations, which are handled by ODE's Office of Professional Conduct.
- To comply with ESSA mandates, eliminates the requirement that the records of an investigation be expunged if the State Board takes no action against the employee's license within two years of completion of the investigation.
- Clarifies ODE's investigative authority with respect to unlicensed teachers at high-performing school districts.
- Requires the inactivation of a Teach for America license when the educator does not fulfill their two-year commitment.

Chairwoman Lehner and members of the Senate Education committee. Thank you for the opportunity to present sponsor testimony on Senate Bill 34. I am happy to answer any questions that the committee might have.