

## **As Passed by the House**

**132nd General Assembly**

**Regular Session**

**H. B. No. 477**

**2017-2018**

**Representative Koehler**

**Cosponsors: Representatives Thompson, Sweeney, Becker, Ingram, Vitale, Hambley, Brenner, Anielski, Blessing, Dean, Dever, Green, Henne, Hoops, Lang, Patton, Reineke, Riedel, Ryan, Scherer, Speaker Smith**

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## **A BILL**

To amend sections 109.57, 2917.46, 3301.133,	1
3302.26, 3313.71, and 3313.753 and to repeal	2
sections 3301.073, 3301.0722, 3301.111, 3301.21,	3
3301.25, 3301.86, 3301.88, 3301.95, 3301.96,	4
3302.037, 3302.30, 3311.061, 3313.206, and	5
3313.711 of the Revised Code to eliminate	6
various provisions and programs related to the	7
Department of Education and the operation of	8
primary and secondary schools.	9

### **BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 109.57, 2917.46, 3301.133, 10  
3302.26, 3313.71, and 3313.753 of the Revised Code be amended to 11  
read as follows: 12

**Sec. 109.57.** (A) (1) The superintendent of the bureau of 13  
criminal identification and investigation shall procure from 14  
wherever procurable and file for record photographs, pictures, 15  
descriptions, fingerprints, measurements, and other information 16  
that may be pertinent of all persons who have been convicted of 17

committing within this state a felony, any crime constituting a 18  
misdemeanor on the first offense and a felony on subsequent 19  
offenses, or any misdemeanor described in division (A) (1) (a), 20  
(A) (5) (a), or (A) (7) (a) of section 109.572 of the Revised Code, 21  
of all children under eighteen years of age who have been 22  
adjudicated delinquent children for committing within this state 23  
an act that would be a felony or an offense of violence if 24  
committed by an adult or who have been convicted of or pleaded 25  
guilty to committing within this state a felony or an offense of 26  
violence, and of all well-known and habitual criminals. The 27  
person in charge of any county, multiconty, municipal, 28  
municipal-county, or multiconty-municipal jail or workhouse, 29  
community-based correctional facility, halfway house, 30  
alternative residential facility, or state correctional 31  
institution and the person in charge of any state institution 32  
having custody of a person suspected of having committed a 33  
felony, any crime constituting a misdemeanor on the first 34  
offense and a felony on subsequent offenses, or any misdemeanor 35  
described in division (A) (1) (a), (A) (5) (a), or (A) (7) (a) of 36  
section 109.572 of the Revised Code or having custody of a child 37  
under eighteen years of age with respect to whom there is 38  
probable cause to believe that the child may have committed an 39  
act that would be a felony or an offense of violence if 40  
committed by an adult shall furnish such material to the 41  
superintendent of the bureau. Fingerprints, photographs, or 42  
other descriptive information of a child who is under eighteen 43  
years of age, has not been arrested or otherwise taken into 44  
custody for committing an act that would be a felony or an 45  
offense of violence who is not in any other category of child 46  
specified in this division, if committed by an adult, has not 47  
been adjudicated a delinquent child for committing an act that 48  
would be a felony or an offense of violence if committed by an 49

adult, has not been convicted of or pleaded guilty to committing 50  
a felony or an offense of violence, and is not a child with 51  
respect to whom there is probable cause to believe that the 52  
child may have committed an act that would be a felony or an 53  
offense of violence if committed by an adult shall not be 54  
procured by the superintendent or furnished by any person in 55  
charge of any county, multicounty, municipal, municipal-county, 56  
or multicounty-municipal jail or workhouse, community-based 57  
correctional facility, halfway house, alternative residential 58  
facility, or state correctional institution, except as 59  
authorized in section 2151.313 of the Revised Code. 60

(2) Every clerk of a court of record in this state, other 61  
than the supreme court or a court of appeals, shall send to the 62  
superintendent of the bureau a weekly report containing a 63  
summary of each case involving a felony, involving any crime 64  
constituting a misdemeanor on the first offense and a felony on 65  
subsequent offenses, involving a misdemeanor described in 66  
division (A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 67  
of the Revised Code, or involving an adjudication in a case in 68  
which a child under eighteen years of age was alleged to be a 69  
delinquent child for committing an act that would be a felony or 70  
an offense of violence if committed by an adult. The clerk of 71  
the court of common pleas shall include in the report and 72  
summary the clerk sends under this division all information 73  
described in divisions (A)(2)(a) to (f) of this section 74  
regarding a case before the court of appeals that is served by 75  
that clerk. The summary shall be written on the standard forms 76  
furnished by the superintendent pursuant to division (B) of this 77  
section and shall include the following information: 78

(a) The incident tracking number contained on the standard 79  
forms furnished by the superintendent pursuant to division (B) 80

of this section;	81
(b) The style and number of the case;	82
(c) The date of arrest, offense, summons, or arraignment;	83
(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;	84 85 86 87 88 89 90 91 92 93 94 95
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	96 97
(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.	98 99 100 101
If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.	102 103 104 105 106
(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal	107 108 109

identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multiconty, municipal, municipal-county, or multiconty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multiconty, municipal, municipal-county, or multiconty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the state and its political subdivisions.

(4) The superintendent shall carry out Chapter 2950. of the Revised Code with respect to the registration of persons who are convicted of or plead guilty to a sexually oriented offense or a child-victim oriented offense and with respect to all other duties imposed on the bureau under that chapter.

(5) The bureau shall perform centralized recordkeeping functions for criminal history records and services in this

state for purposes of the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code and is the criminal history record repository as defined in that section for purposes of that compact. The superintendent or the superintendent's designee is the compact officer for purposes of that compact and shall carry out the responsibilities of the compact officer specified in that compact.

(6) The superintendent shall, upon request, assist a county coroner in the identification of a deceased person through the use of fingerprint impressions obtained pursuant to division (A)(1) of this section or collected pursuant to section 109.572 or 311.41 of the Revised Code.

(B) The superintendent shall prepare and furnish to every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and to every clerk of a court in this state specified in division (A)(2) of this section standard forms for reporting the information required under division (A) of this section. The standard forms that the superintendent prepares pursuant to this division may be in a tangible format, in an electronic format, or in both tangible formats and electronic formats.

(C)(1) The superintendent may operate a center for electronic, automated, or other data processing for the storage and retrieval of information, data, and statistics pertaining to criminals and to children under eighteen years of age who are adjudicated delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, criminal activity, crime prevention, law enforcement, and

criminal justice, and may establish and operate a statewide 171  
communications network to be known as the Ohio law enforcement 172  
gateway to gather and disseminate information, data, and 173  
statistics for the use of law enforcement agencies and for other 174  
uses specified in this division. The superintendent may gather, 175  
store, retrieve, and disseminate information, data, and 176  
statistics that pertain to children who are under eighteen years 177  
of age and that are gathered pursuant to sections 109.57 to 178  
109.61 of the Revised Code together with information, data, and 179  
statistics that pertain to adults and that are gathered pursuant 180  
to those sections. 181

(2) The superintendent or the superintendent's designee 182  
shall gather information of the nature described in division (C) 183  
(1) of this section that pertains to the offense and delinquency 184  
history of a person who has been convicted of, pleaded guilty 185  
to, or been adjudicated a delinquent child for committing a 186  
sexually oriented offense or a child-victim oriented offense for 187  
inclusion in the state registry of sex offenders and child- 188  
victim offenders maintained pursuant to division (A)(1) of 189  
section 2950.13 of the Revised Code and in the internet database 190  
operated pursuant to division (A)(13) of that section and for 191  
possible inclusion in the internet database operated pursuant to 192  
division (A)(11) of that section. 193

(3) In addition to any other authorized use of 194  
information, data, and statistics of the nature described in 195  
division (C)(1) of this section, the superintendent or the 196  
superintendent's designee may provide and exchange the 197  
information, data, and statistics pursuant to the national crime 198  
prevention and privacy compact as described in division (A)(5) 199  
of this section. 200

(4) The Ohio law enforcement gateway shall contain the name, confidential address, and telephone number of program participants in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code. 201  
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(5) The attorney general may adopt rules under Chapter 119. of the Revised Code establishing guidelines for the operation of and participation in the Ohio law enforcement gateway. The rules may include criteria for granting and restricting access to information gathered and disseminated through the Ohio law enforcement gateway. The attorney general shall adopt rules under Chapter 119. of the Revised Code that grant access to information in the gateway regarding an address confidentiality program participant under sections 111.41 to 111.47 of the Revised Code to only chiefs of police, village marshals, county sheriffs, county prosecuting attorneys, and a designee of each of these individuals. The attorney general shall permit the state medical board and board of nursing to access and view, but not alter, information gathered and disseminated through the Ohio law enforcement gateway. 205  
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The attorney general may appoint a steering committee to advise the attorney general in the operation of the Ohio law enforcement gateway that is comprised of persons who are representatives of the criminal justice agencies in this state that use the Ohio law enforcement gateway and is chaired by the superintendent or the superintendent's designee. 220  
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(D)(1) The following are not public records under section 149.43 of the Revised Code: 226  
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(a) Information and materials furnished to the superintendent pursuant to division (A) of this section; 228  
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(b) Information, data, and statistics gathered or disseminated through the Ohio law enforcement gateway pursuant to division (C)(1) of this section;	230 231 232
(c) Information and materials furnished to any board or person under division (F) or (G) of this section.	233 234
(2) The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for the purposes described in division (C)(2) of this section.	235 236 237 238 239 240 241
(E)(1) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code and subject to division (E)(2) of this section, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed or described in division (A)(1), (2), or (3) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged.	242 243 244 245 246 247 248 249 250 251 252 253
(2) Except as otherwise provided in this division or division (E)(3) or (4) of this section, a rule adopted under division (E)(1) of this section may provide only for the release of information gathered pursuant to division (A) of this section that relates to the conviction of a person, or a person's plea of guilty to, a criminal offense or to the arrest of a person as	254 255 256 257 258 259

provided in division (E) (3) of this section. The superintendent 260  
shall not release, and the attorney general shall not adopt any 261  
rule under division (E) (1) of this section that permits the 262  
release of, any information gathered pursuant to division (A) of 263  
this section that relates to an adjudication of a child as a 264  
delinquent child, or that relates to a criminal conviction of a 265  
person under eighteen years of age if the person's case was 266  
transferred back to a juvenile court under division (B)(2) or 267  
(3) of section 2152.121 of the Revised Code and the juvenile 268  
court imposed a disposition or serious youthful offender 269  
disposition upon the person under either division, unless either 270  
of the following applies with respect to the adjudication or 271  
conviction: 272

(a) The adjudication or conviction was for a violation of 273  
section 2903.01 or 2903.02 of the Revised Code. 274

(b) The adjudication or conviction was for a sexually 275  
oriented offense, the juvenile court was required to classify 276  
the child a juvenile offender registrant for that offense under 277  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 278  
classification has not been removed, and the records of the 279  
adjudication or conviction have not been sealed or expunged 280  
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 281  
section 2952.32 of the Revised Code. 282

(3) A rule adopted under division (E) (1) of this section 283  
may provide for the release of information gathered pursuant to 284  
division (A) of this section that relates to the arrest of a 285  
person who is eighteen years of age or older when the person has 286  
not been convicted as a result of that arrest if any of the 287  
following applies: 288

(a) The arrest was made outside of this state. 289

(b) A criminal action resulting from the arrest is 290  
pending, and the superintendent confirms that the criminal 291  
action has not been resolved at the time the criminal records 292  
check is performed. 293

(c) The bureau cannot reasonably determine whether a 294  
criminal action resulting from the arrest is pending, and not 295  
more than one year has elapsed since the date of the arrest. 296

(4) A rule adopted under division (E) (1) of this section 297  
may provide for the release of information gathered pursuant to 298  
division (A) of this section that relates to an adjudication of 299  
a child as a delinquent child if not more than five years have 300  
elapsed since the date of the adjudication, the adjudication was 301  
for an act that would have been a felony if committed by an 302  
adult, the records of the adjudication have not been sealed or 303  
expunged pursuant to sections 2151.355 to 2151.358 of the 304  
Revised Code, and the request for information is made under 305  
division (F) of this section or under section 109.572 of the 306  
Revised Code. In the case of an adjudication for a violation of 307  
the terms of community control or supervised release, the five- 308  
year period shall be calculated from the date of the 309  
adjudication to which the community control or supervised 310  
release pertains. 311

(F) (1) As used in division (F) (2) of this section, "head 312  
start agency" means an entity in this state that has been 313  
approved to be an agency for purposes of subchapter II of the 314  
"Community Economic Development Act," 95 Stat. 489 (1981), 42 315  
U.S.C.A. 9831, as amended. 316

(2) (a) In addition to or in conjunction with any request 317  
that is required to be made under section 109.572, 2151.86, 318  
3301.32, 3301.541, division (C) of section 3310.58, or section 319

3319.39, 3319.391, 3327.10, 3701.881, 5104.013, 5123.081, or 320  
5153.111 of the Revised Code or that is made under section 321  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 322  
board of education of any school district; the director of 323  
developmental disabilities; any county board of developmental 324  
disabilities; any provider or subcontractor as defined in 325  
section 5123.081 of the Revised Code; the chief administrator of 326  
any chartered nonpublic school; the chief administrator of a 327  
registered private provider that is not also a chartered 328  
nonpublic school; the chief administrator of any home health 329  
agency; the chief administrator of or person operating any child 330  
day-care center, type A family day-care home, or type B family 331  
day-care home licensed under Chapter 5104. of the Revised Code; 332  
the chief administrator of any head start agency; the executive 333  
director of a public children services agency; a private company 334  
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 335  
the Revised Code; or an employer described in division (J)(2) of 336  
section 3327.10 of the Revised Code may request that the 337  
superintendent of the bureau investigate and determine, with 338  
respect to any individual who has applied for employment in any 339  
position after October 2, 1989, or any individual wishing to 340  
apply for employment with a board of education may request, with 341  
regard to the individual, whether the bureau has any information 342  
gathered under division (A) of this section that pertains to 343  
that individual. On receipt of the request, subject to division 344  
(E)(2) of this section, the superintendent shall determine 345  
whether that information exists and, upon request of the person, 346  
board, or entity requesting information, also shall request from 347  
the federal bureau of investigation any criminal records it has 348  
pertaining to that individual. The superintendent or the 349  
superintendent's designee also may request criminal history 350  
records from other states or the federal government pursuant to 351

the national crime prevention and privacy compact set forth in 352  
section 109.571 of the Revised Code. Within thirty days of the 353  
date that the superintendent receives a request, subject to 354  
division (E) (2) of this section, the superintendent shall send 355  
to the board, entity, or person a report of any information that 356  
the superintendent determines exists, including information 357  
contained in records that have been sealed under section 2953.32 358  
of the Revised Code, and, within thirty days of its receipt, 359  
subject to division (E) (2) of this section, shall send the 360  
board, entity, or person a report of any information received 361  
from the federal bureau of investigation, other than information 362  
the dissemination of which is prohibited by federal law. 363

(b) When a board of education or a registered private 364  
provider is required to receive information under this section 365  
as a prerequisite to employment of an individual pursuant to 366  
division (C) of section 3310.58 or section 3319.39 of the 367  
Revised Code, it may accept a certified copy of records that 368  
were issued by the bureau of criminal identification and 369  
investigation and that are presented by an individual applying 370  
for employment with the district in lieu of requesting that 371  
information itself. In such a case, the board shall accept the 372  
certified copy issued by the bureau in order to make a photocopy 373  
of it for that individual's employment application documents and 374  
shall return the certified copy to the individual. In a case of 375  
that nature, a district or provider only shall accept a 376  
certified copy of records of that nature within one year after 377  
the date of their issuance by the bureau. 378

(c) Notwithstanding division (F) (2) (a) of this section, in 379  
the case of a request under section 3319.39, 3319.391, or 380  
3327.10 of the Revised Code only for criminal records maintained 381  
by the federal bureau of investigation, the superintendent shall 382

not determine whether any information gathered under division 383  
(A) of this section exists on the person for whom the request is 384  
made. 385

(3) The state board of education may request, with respect 386  
to any individual who has applied for employment after October 387  
2, 1989, in any position with the state board or the department 388  
of education, any information that a school district board of 389  
education is authorized to request under division (F)(2) of this 390  
section, and the superintendent of the bureau shall proceed as 391  
if the request has been received from a school district board of 392  
education under division (F)(2) of this section. 393

(4) When the superintendent of the bureau receives a 394  
request for information under section 3319.291 of the Revised 395  
Code, the superintendent shall proceed as if the request has 396  
been received from a school district board of education and 397  
shall comply with divisions (F)(2)(a) and (c) of this section. 398

~~(5) When a recipient of a classroom reading improvement grant paid under section 3301.86 of the Revised Code requests, with respect to any individual who applies to participate in providing any program or service funded in whole or in part by the grant, the information that a school district board of education is authorized to request under division (F)(2)(a) of this section, the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F)(2)(a) of this section.~~ 399  
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(G) In addition to or in conjunction with any request that 408  
is required to be made under section 3701.881, 3712.09, or 409  
3721.121 of the Revised Code with respect to an individual who 410  
has applied for employment in a position that involves providing 411  
direct care to an older adult or adult resident, the chief 412

administrator of a home health agency, hospice care program, 413  
home licensed under Chapter 3721. of the Revised Code, or adult 414  
day-care program operated pursuant to rules adopted under 415  
section 3721.04 of the Revised Code may request that the 416  
superintendent of the bureau investigate and determine, with 417  
respect to any individual who has applied after January 27, 418  
1997, for employment in a position that does not involve 419  
providing direct care to an older adult or adult resident, 420  
whether the bureau has any information gathered under division 421  
(A) of this section that pertains to that individual. 422

In addition to or in conjunction with any request that is 423  
required to be made under section 173.27 of the Revised Code 424  
with respect to an individual who has applied for employment in 425  
a position that involves providing ombudsman services to 426  
residents of long-term care facilities or recipients of 427  
community-based long-term care services, the state long-term 428  
care ombudsman, the director of aging, a regional long-term care 429  
ombudsman program, or the designee of the ombudsman, director, 430  
or program may request that the superintendent investigate and 431  
determine, with respect to any individual who has applied for 432  
employment in a position that does not involve providing such 433  
ombudsman services, whether the bureau has any information 434  
gathered under division (A) of this section that pertains to 435  
that applicant. 436

In addition to or in conjunction with any request that is 437  
required to be made under section 173.38 of the Revised Code 438  
with respect to an individual who has applied for employment in 439  
a direct-care position, the chief administrator of a provider, 440  
as defined in section 173.39 of the Revised Code, may request 441  
that the superintendent investigate and determine, with respect 442  
to any individual who has applied for employment in a position 443

that is not a direct-care position, whether the bureau has any 444  
information gathered under division (A) of this section that 445  
pertains to that applicant. 446

In addition to or in conjunction with any request that is 447  
required to be made under section 3712.09 of the Revised Code 448  
with respect to an individual who has applied for employment in 449  
a position that involves providing direct care to a pediatric 450  
respite care patient, the chief administrator of a pediatric 451  
respite care program may request that the superintendent of the 452  
bureau investigate and determine, with respect to any individual 453  
who has applied for employment in a position that does not 454  
involve providing direct care to a pediatric respite care 455  
patient, whether the bureau has any information gathered under 456  
division (A) of this section that pertains to that individual. 457

On receipt of a request under this division, the 458  
superintendent shall determine whether that information exists 459  
and, on request of the individual requesting information, shall 460  
also request from the federal bureau of investigation any 461  
criminal records it has pertaining to the applicant. The 462  
superintendent or the superintendent's designee also may request 463  
criminal history records from other states or the federal 464  
government pursuant to the national crime prevention and privacy 465  
compact set forth in section 109.571 of the Revised Code. Within 466  
thirty days of the date a request is received, subject to 467  
division (E)(2) of this section, the superintendent shall send 468  
to the requester a report of any information determined to 469  
exist, including information contained in records that have been 470  
sealed under section 2953.32 of the Revised Code, and, within 471  
thirty days of its receipt, shall send the requester a report of 472  
any information received from the federal bureau of 473  
investigation, other than information the dissemination of which 474

is prohibited by federal law.	475
(H) Information obtained by a government entity or person under this section is confidential and shall not be released or disseminated.	476 477 478
(I) The superintendent may charge a reasonable fee for providing information or criminal records under division (F) (2) or (G) of this section.	479 480 481
(J) As used in this section:	482
(1) "Pediatric respite care program" and "pediatric care patient" have the same meanings as in section 3712.01 of the Revised Code.	483 484 485
(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.	486 487 488
(3) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	489 490 491 492 493 494
<b>Sec. 2917.46.</b> (A) No person shall, with intent to identify a building as a block parent home or building, display the block parent symbol adopted by the state board of education pursuant to former section 3301.076 of the Revised Code prior to its repeal on the effective date of this amendment <u>July 1, 2007</u> .	495 496 497 498 499
(B) No person shall, with intent to identify a building as a block parent home or building, display a symbol that falsely gives the appearance of being the block parent symbol adopted by	500 501 502

the state board of education pursuant to former section 3301.076  
of the Revised Code prior to its repeal on ~~the effective date of~~ 503  
~~this amendment July 1, 2007.~~ 504  
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(C) No person, with intent to identify a home or building 506  
as a mcgruff house program home or building, shall display the 507  
mcgruff house symbol adopted by the division of criminal justice 508  
services in the state department of public safety pursuant to 509  
section 5502.62 of the Revised Code unless authorized in 510  
accordance with that section, any rule adopted pursuant to that 511  
section, or former section 3313.206 of the Revised Code prior to 512  
its repeal on the effective date of this amendment. 513

(D) No person, with intent to identify a home or building 514  
as a mcgruff house program home or building, shall display a 515  
symbol that falsely gives the appearance of being the mcgruff 516  
house symbol adopted by the division of criminal justice 517  
services in the state department of public safety pursuant to 518  
section 5502.62 of the Revised Code or any rule adopted pursuant 519  
to that section. 520

(E) (1) Whoever violates division (A) or (B) of this 521  
section is guilty of unauthorized use of a block parent symbol, 522  
a minor misdemeanor. 523

(2) Whoever violates division (C) or (D) of this section 524  
is guilty of unauthorized use of a mcgruff house symbol, a minor 525  
misdemeanor. 526

**Sec. 3301.133.** As used in this section, "form" ~~has the~~ 527  
~~same meaning as in section 3301.0722 means any report, document,~~ 528  
~~paper, computer software program, or other instrument used in~~ 529  
~~the management information system created by section 3301.0714~~ 530  
~~of the Revised Code or used to gather required or requested~~ 531

education data under division (I) of section 3301.07 of the 532  
Revised Code or any other provision of state or federal statute 533  
or rule. 534

(A) ~~No later than July 1, 1992, the~~ The organization of 535  
the department of education shall include an identifiable 536  
organizational unit that deals with the management of any 537  
education data that the department gathers, processes, uses, or 538  
reports. The superintendent of public instruction shall assign 539  
employees to this unit or employ persons for this unit who are 540  
trained and experienced in data management and the design of 541  
forms and who understand the data needs of the department of 542  
education. The superintendent shall provide a sufficient number 543  
of such employees for the unit to perform its duties in an 544  
effective and timely manner. 545

(B) The unit established pursuant to division (A) of this 546  
section shall: 547

(1) Review each new form or modification of any existing 548  
form that the state board, the superintendent of public 549  
instruction, or the department of education proposes to put into 550  
use on or after July 1, 1992. In conducting the review of any 551  
form, the unit shall evaluate it utilizing at least the criteria 552  
specified under division (C) of this section. The unit shall 553  
report in writing to the superintendent of public instruction 554  
whether the form satisfies the criteria specified under division 555  
(C) of this section, and if not, the reasons why it does not. 556  
Each report shall include recommendations regarding the 557  
simplification, consolidation, or elimination of the proposed 558  
form or any other forms related to the proposed form that would 559  
enable all the criteria specified under division (C) of this 560  
section to be met. 561

(2) Regularly contact and seek to work with other state	562
and federal agencies that collect and use education data for the	563
purpose of increasing the efficiency and coordination of data	564
collection;	565
(3) Perform any other duties assigned by the	566
superintendent of public instruction.	567
(C) In conducting the review of any form pursuant to	568
division (B) (1) of this section, the unit established under	569
division (A) of this section shall determine whether the	570
following criteria are satisfied:	571
(1) Each data item on the form does not duplicate data	572
already submitted to the state board, superintendent of public	573
instruction, or department of education.	574
(2) The form cannot be consolidated with any other form	575
required by the state board, superintendent, or department.	576
(3) The form is required to be submitted no more often	577
than necessary and no sooner than reasonably necessary prior to	578
the date on which the data reported on the form will be	579
initially used.	580
(4) The stated purpose of the form cannot be met as part	581
of any other procedure, such as a verification or certification	582
procedure or other reporting procedure.	583
(5) If the form or any data item on the form is attributed	584
to any requirement of state statute, federal statute or rule, or	585
any court, the form or data item is limited to the data that the	586
statute, rule, or court requires.	587
(6) If the form or any data item on the form is attributed	588
to the requirements of any research or of any process of	589

auditing school districts for compliance with any requirement, 590  
the research is planned or currently taking place or the 591  
compliance is currently required. 592

(7) The form is designed in a way that minimizes the cost 593  
of completing it. 594

(8) The form includes instructions that clearly explain 595  
how to complete it, who will use the data reported on it, and 596  
whom to contact with questions about completing the form or the 597  
use of the data reported on it. 598

**Sec. 3302.26.** (A) As used in this section: 599

(1) "Expenditure per equivalent pupils" is the total 600  
operating expenditures of a school district divided by the 601  
measure of equivalent pupils. 602

(2) "Measure of equivalent pupils" is the total number of 603  
students in a school district adjusted for the relative 604  
differences in costs associated with the unique characteristics 605  
and needs of each category of pupil. 606

(B) The department of education shall create a performance 607  
management section on the department's public web site. The 608  
performance management section shall include information on 609  
academic and financial performance metrics for each school 610  
district to assist schools and districts in providing an 611  
effective and efficient delivery of educational services. The 612  
section shall be located in a prominent location on the 613  
department's public web site. The section shall include, but not 614  
be limited to, all of the following: 615

(1) A graph that illustrates the relationship between a 616  
district's academic performance, as measured by the performance 617  
index score, and its expenditure per equivalent pupils as 618

compared to similar districts;	619
(2) Each district's total operating expenditures per pupil;	620
(3) Statistics of academic and financial performance measures for each district to allow for a comparison and benchmarking between districts.	622
(C) The department may contract with an independent organization to develop and host the performance management section of its web site.	625
<b>Sec. 3313.71.</b> School physicians may make examinations, which shall include tests to determine the existence of hearing defects, and diagnoses of all children referred to them. They may make such examination of teachers and other school employees and inspection of school buildings as in their opinion the protection of health of the pupils, teachers, and other school employees requires.	628
Boards of education shall require and provide, in accordance with section 3313.67 of the Revised Code, such tests and examinations for tuberculosis of pupils in selected grades and of school employees as may be required by the director of health.	635
Boards may require annual tuberculin tests of any grades. All pupils with positive reactions to the test shall have chest x-rays and all positive reactions and x-ray findings shall be reported promptly to the county record bureau of tuberculosis cases provided for in section 339.74 of the Revised Code. Boards shall waive the required test where a pupil presents a written statement from the pupil's family physician certifying that such test has been given and that such pupil is free from	640

tuberculosis in a communicable stage, or that such test is 648  
inadvisable for medical reasons, or from the pupil's parent or 649  
guardian objecting to such test because of religious 650  
convictions. 651

Whenever a pupil, teacher, or other school employee is 652  
found to be ill or suffering from tuberculosis in a communicable 653  
stage or other communicable disease, the school physician shall 654  
promptly send such pupil, teacher, or other school employee 655  
home, with a statement, in the case of a pupil, to the pupil's 656  
parents or guardian, briefly setting forth the discovered facts, 657  
and advising that the family physician be consulted. School 658  
physicians shall keep accurate card-index records of all 659  
examinations, and said records, that they may be uniform 660  
throughout the state, shall be according to the form prescribed 661  
by the state board of education, and the reports shall be made 662  
according to the method of said form. If the parent or guardian 663  
of any pupil or any teacher or other school employee, after 664  
notice from the board of education, furnishes within two weeks 665  
thereafter the written certificate of any reputable physician 666  
that the pupil, teacher, or other school employee has been 667  
examined, in such cases the service of the school physician 668  
shall be dispensed with, and such certificate shall be furnished 669  
by such parent or guardian, as required by the board of 670  
education. Such individual records shall not be open to the 671  
public and shall be solely for the use of the boards of 672  
education and boards of health officer. If any teacher or other 673  
school employee is found to have tuberculosis in a communicable 674  
stage or other communicable disease, the teacher's or employee's 675  
employment shall be discontinued or suspended upon such terms as 676  
to salary as the board deems just until the school physician has 677  
certified to a recovery from such disease. The methods of making 678

the tuberculin tests and chest x-rays required by this section 679  
shall be such as are approved by the director of health. 680

This section shall apply to all elementary and high 681  
schools for which the state board of education sets minimum 682  
standards pursuant to section 3301.07 of the Revised Code. 683

**Sec. 3313.753.** (A) As used in this section: 684

(1) "Electronic communications device" means any device 685  
that is powered by batteries or electricity and that is capable 686  
of receiving, transmitting, or receiving and transmitting 687  
communications between two or more persons or a communication 688  
from or to a person. 689

(2) "~~Pocket pager~~" means any device that can be carried by 690  
~~a person, that is capable of receiving a radio signal or other~~ 691  
~~telecommunications signal, and that emits a signal upon receipt~~ 692  
~~of a radio or other telecommunications signal.~~ 693

(3) "School" means any school that is operated by a board 694  
of education of a city, local, exempted village, or joint 695  
vocational school district. 696

(4) (3) "School building" means any building in which any 697  
of the instruction, extracurricular activities, or training 698  
provided by a school is conducted. 699

(5) (4) "School grounds or premises" means either of the 700  
following: 701

(a) The parcel of real property on which any school 702  
building is situated; 703

(b) Any other parcel of real property that is owned or 704  
leased by a board of education and on which some of the 705  
instruction, extracurricular activities, or training of the 706

school is conducted. 707

(B) The board of education of any city, exempted village, 708  
local, joint vocational, or cooperative education school 709  
district may adopt a policy prohibiting pupils from carrying a- 710  
~~pocket pager or other an~~ electronic communications device in any 711  
school building or on any school grounds or premises of the 712  
district. The policy may provide for exceptions to this 713  
prohibition as specified in the policy. The policy shall specify 714  
any disciplinary measures that will be taken for violation of 715  
this prohibition. 716

If a board of education adopts a policy under this 717  
section, the board shall post the policy in a central location 718  
in each school building and make it available to pupils and 719  
parents upon request. 720

**Section 2.** That existing sections 109.57, 2917.46, 721  
3301.133, 3302.26, 3313.71, and 3313.753 and sections 3301.073, 722  
3301.0722, 3301.111, 3301.21, 3301.25, 3301.86, 3301.88, 723  
3301.95, 3301.96, 3302.037, 3302.30, 3311.061, 3313.206, and 724  
3313.711 of the Revised Code are hereby repealed. 725

**Section 3.** Section 109.57 of the Revised Code is presented 726  
in this act as a composite of the section as amended by both 727  
Sub. H.B. 359 and Am. Sub. S.B. 227 of the 131st General 728  
Assembly. The General Assembly, applying the principle stated in 729  
division (B) of section 1.52 of the Revised Code that amendments 730  
are to be harmonized if reasonably capable of simultaneous 731  
operation, finds that the composite is the resulting version of 732  
the section in effect prior to the effective date of the section 733  
as presented in this act. 734