

AN ACT

To amend section 109.57 and to enact sections 3301.85 to 3301.88 and 3301.90 to 3301.92 of the Revised Code to implement the OhioReads initiative through the creation of classroom and community reading grants; to establish the OhioReads Office and the OhioReads Council; to abolish the Council on July 1, 2004, by repealing sections 3301.90, 3301.91, and 3301.92 of the Revised Code on that date; and to declare an emergency.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 109.57 be amended and sections 3301.85, 3301.86, 3301.87, 3301.88, 3301.90, 3301.91, and 3301.92 of the Revised Code be enacted to read as follows:

Sec. 109.57. (A)(1) The superintendent of the bureau of criminal identification and investigation shall procure from wherever procurable and file for record photographs, pictures, descriptions, fingerprints, measurements, and other information that may be pertinent of all persons who have been convicted of committing within this state a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code, of all children under eighteen years of age who have been adjudicated delinquent children for committing within this state an act that would be a felony or an offense of violence if committed by an adult or who have been convicted of or pleaded guilty to committing within this state a felony or an offense of violence, and of all well-known and habitual criminals. The person in charge of any 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 the person in charge of any state institution having custody of a person suspected of having committed a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or any misdemeanor described in division

(A)(1)(a) of section 109.572 of the Revised Code or having custody of a child under eighteen years of age with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall furnish such material to the superintendent of the bureau. Fingerprints, photographs, or other descriptive information of a child who is under eighteen years of age, has not been 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, has not been adjudicated a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, has not been convicted of or pleaded guilty to committing a felony or an offense of violence, and is not a child with respect to whom there is probable cause to believe that the child may have committed an act that would be a felony or an offense of violence if committed by an adult shall not be procured by the superintendent or furnished by any person in charge of any county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution, except as authorized in section 2151.313 of the Revised Code.

(2) Every clerk of a court of record in this state, other than the supreme court or a court of appeals, shall send to the superintendent of the bureau a weekly report containing a summary of each case involving a felony, involving any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, involving a misdemeanor described in division (A)(1)(a) of section 109.572 of the Revised Code, or involving an adjudication that a child under eighteen years of age is a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult. The clerk of the court of common pleas shall include in the report and summary the clerk sends under this division all information described in divisions (A)(2)(a) to (f) of this section regarding a case before the court of appeals that is served by that clerk. The summary shall be written on the standard forms furnished by the superintendent pursuant to division (B) of this section and shall include the following information:

(a) The incident tracking number contained on the standard forms furnished by the superintendent pursuant to division (B) of this section;

(b) The style and number of the case;

(c) The date of arrest;

(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;

(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;

(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.

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.

(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 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) 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, multicounty, municipal, municipal-county, or multicounty-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, multicounty, municipal, municipal-county, or multicounty-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 and with respect to all other duties imposed on the bureau under that chapter.

(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) 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 communications network to gather and disseminate information, data, and statistics for the use of law enforcement agencies. The superintendent may gather, store, retrieve, and disseminate information, data, and statistics that pertain to children who are under eighteen years of age and that are gathered pursuant to sections 109.57 to 109.61 of the Revised Code together with information, data, and statistics that pertain to adults and that are gathered pursuant to those sections.

(D) The information and materials furnished to the superintendent pursuant to division (A) of this section and information and materials furnished to any board or person under division (F) or (G) of this section are not public records under section 149.43 of the Revised Code.

(E) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code, 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 in division (A)(1), (3), (4), or (5) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged.

(F)(1) As used in division (F)(2) of this section, "head start agency"

means an entity in this state that has been approved to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended.

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5126.28, 5126.281, or 5153.111 of the Revised Code, the board of education of any school district; any county board of mental retardation and developmental disabilities; any entity under contract with a county board of mental retardation and developmental disabilities; the chief administrator of any chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed or certified under Chapter 5104. of the Revised Code; the administrator of any type C family day-care home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st general assembly; the chief administrator of any head start agency; or the executive director of a public children services agency may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, the superintendent shall determine whether that information exists and, upon request of the person, board, or entity requesting information, also shall request from the federal bureau of investigation any criminal records it has pertaining to that individual. Within thirty days of the date that the superintendent receives a request, the superintendent shall send to the board, entity, or person a report of any information that the superintendent determines exists, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the board, entity, or person a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(b) When a board of education is required to receive information under this section as a prerequisite to employment of an individual pursuant to section 3319.39 of the Revised Code, it may accept a certified copy of records that were issued by the bureau of criminal identification and investigation and that are presented by an individual applying for

employment with the district in lieu of requesting that information itself. In such a case, the board shall accept the certified copy issued by the bureau in order to make a photocopy of it for that individual's employment application documents and shall return the certified copy to the individual. In a case of that nature, a district only shall accept a certified copy of records of that nature within one year after the date of their issuance by the bureau.

(3) The state board of education may request, with respect to any individual who has applied for employment after October 2, 1989, in any position with the state board or the department of education, any information that a school district board of education is authorized to request under division (F)(2) of this section, and 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) of this section.

(4) When the superintendent of the bureau receives a request for information that is authorized under section 3319.291 of the Revised Code, the superintendent shall proceed as if the request has been received from a school district board of education under division (F)(2) of this section.

(5) When a recipient of an OhioReads classroom or community reading grant paid under section 3301.86 or 3301.87 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.

(G) In addition to or in conjunction with any request that is required to be made under section 173.41, 3701.881, 3712.09, 3721.121, or 3722.151 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to an older adult, the chief administrator of a PASSPORT agency that provides services through the PASSPORT program created under section 173.40 of the Revised Code, home health agency, hospice care program, home licensed under Chapter 3721. of the Revised Code, adult day-care program operated pursuant to rules adopted under section 3721.04 of the Revised Code, or adult care facility may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied after January 27, 1997, for employment in a position that does not involve providing direct care to an older adult, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, the superintendent shall determine

ther that information exists and, on request of the administrator requesting information, shall also request from the federal bureau of investigation any criminal records it has pertaining to that individual. Within thirty days of the date a request is received, the superintendent shall send to the administrator a report of any information determined to exist, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the administrator a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(H) Information obtained by a board, administrator, or other person under this section is confidential and shall not be released or disseminated.

(I) The superintendent may charge a reasonable fee for providing information or criminal records under division (F)(2) or (G) of this section.

Sec. 3301.85. The OhioReads office is hereby established within the department of education. The office shall be under the supervision of an executive director, who shall be appointed by the superintendent of public instruction, with the advice and consent of the OhioReads council. The executive director shall serve at the pleasure of and report to the superintendent, but shall discharge the position according to guidelines issued by the council and shall perform any task designated by the council. THE EXECUTIVE DIRECTOR SHALL DEVOTE FULL TIME TO THE DUTIES OF THAT POSITION AND SHALL HOLD NO OTHER POSITION WITHIN THE DEPARTMENT. The superintendent may hire additional staff for the office. The department shall provide the executive director and any additional staff hired by the superintendent with offices within the department's office space.

Sec. 3301.86. The OhioReads classroom reading grants program is hereby established. The OhioReads council shall award grants under the program in accordance with the guidelines it establishes under section 3301.91 of the Revised Code. The OhioReads office is the fiscal agent for the program and shall pay the grants awarded by the council.

Sec. 3301.87. The OhioReads community reading grants program is hereby established. The OhioReads council shall award grants under the program in accordance with the guidelines it establishes under section 3301.91 of the Revised Code. The OhioReads office is the fiscal agent for the program and shall pay the grants awarded by the council.

Sec. 3301.88. (A) A recipient of a grant under section 3301.86 or 3301.87 of the Revised Code may request from the bureau of criminal identification and investigation a criminal records check on any individual.

other than an individual described in division (B) of this section, who applies to participate in providing directly to children any program or service funded in whole or in part by the grant. If a recipient elects to request a criminal records check, the request shall consist of a request for the information a school district board of education may request under division (F)(2)(a) of section 109.57 of the Revised Code and shall be accompanied by one of the following identification options:

(1) The form and standard impression sheet prescribed by the bureau under division (C) of section 109.572 of the Revised Code;

(2) A form prescribed by the bureau on which is specified the individual's name, social security number, and date of birth.

(B) A grant recipient shall not request a criminal records check under division (A) of this section with respect to any individual who furnishes the grant recipient with a certified copy of a report of a criminal records check completed by the bureau within one year prior to applying to participate in providing programs or services under an OhioReads grant.

(C) Except as provided in rules adopted under division (G)(2) of this section, a grant recipient shall not allow an individual to participate in providing directly to children any program or service funded in whole or in part by the grant if the information requested under this section from the bureau indicates that the individual has ever pleaded guilty to or been found guilty by a jury or court of any of the following:

(1) A felony;

(2) A violation of section 2903.16, 2903.34, 2905.05, 2907.04, 2907.06, 2907.07, 2907.08, 2907.09, 2907.23, 2907.25, 2907.31, 2919.12, 2919.22, 2919.24, 2925.04, or 3716.11 of the Revised Code; a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996; or a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had it been committed prior to that date;

(3) An offense of violence;

(4) A theft offense, as defined in section 2913.01 of the Revised Code;

(5) A drug abuse offense, as defined in section 2925.01 of the Revised Code;

(6) A violation of an existing or former ordinance of a municipal corporation or law of the United States or another state that is substantively comparable to an offense listed in divisions (C)(1) to (5) of this section.

(D) A grant recipient that elects to request criminal records checks may conditionally allow an individual to participate in providing programs or services directly to children until the criminal records check is completed

and the grant recipient receives the results. If the results of the criminal records check indicate that the individual has been convicted of or pleaded guilty to an offense listed in division (C) of this section, the grant recipient shall not allow the individual to further participate in providing directly to children any program or service funded in whole or in part by the grant, except as provided in the rules adopted under division (G)(2) of this section.

(E) The report of any criminal records check conducted in accordance with division (F)(5) of section 109.57 of the Revised Code pursuant to a request under this section is not a public record for purposes of section 149.43 of the Revised Code. The report shall not be made available to any person other than the individual who is the subject of the criminal records check or the individual's representative, the grant recipient or the grant recipient's representative, and any court, hearing officer, or other necessary individual in a case dealing with the denial of the individual's participation in a program or service funded by an OhioReads grant.

(F) The OhioReads office shall reimburse each grant recipient for each criminal records check the actual amount paid by the grant recipient for the portion of the criminal records check conducted by the bureau of criminal identification and investigation. Reimbursement shall be paid under this division only for criminal records checks on individuals who apply to participate in providing directly to children any program or service funded in whole or in part by the grant. To receive it, the grant recipient must submit information to the office in the form and manner required by the office. The reimbursement is in addition to the grant awarded to the recipient under section 3301.86 or 3301.87 of the Revised Code.

(G) The department of education shall adopt rules in accordance with Chapter 119. of the Revised Code:

(1) Prescribing the form and manner in which grant recipients must submit information to the OhioReads office to receive reimbursement under division (F) of this section;

(2) Specifying circumstances under which a grant recipient may allow an individual whose criminal records check report indicates that the individual has been convicted of or pleaded guilty to an offense listed in division (C) of this section, but who meets standards in regard to rehabilitation set forth in the rules, to participate in providing directly to children any program or service funded in whole or in part by the grant.

Sec. 3301.90. The OhioReads council is hereby established. The council shall consist of seven voting members, as follows:

(A) Five persons appointed by the governor, one of whom shall be a practicing reading specialist and one of whom shall represent a college of

education in this state:

(B) The director of budget and management, or the director's designee;

(C) The superintendent of public instruction, or the superintendent's designee.

The speaker of the house of representatives shall appoint two members of the house of representatives, each from a different political party, to serve as nonvoting members of the council. The president of the senate shall appoint two members of the senate, each from a different political party, to serve as nonvoting members of the council.

The five members appointed by the governor shall serve at the pleasure of the governor. The governor shall appoint successors to fill vacancies in the positions to be appointed by the governor. The reading specialist shall suffer no loss of compensation or other benefit because of absence from regular employment to attend the council's meetings.

The nonvoting legislative members shall serve at the pleasure of the appointing official, but a legislative member who ceases to be a member of the legislative house from which the member was appointed shall cease to be a member of the council. The speaker of the house of representatives shall fill any vacancy in the positions of the members from the house of representatives. The president of the senate shall fill any vacancy in the positions of the members from the senate. A legislative member may designate a member of the same legislative house and the same political party to attend council meetings in that member's place.

The governor shall appoint one voting member of the council to serve as chairperson.

The council shall meet at least four times per year to conduct its business. The council may meet more often at the call of its chairperson.

The members shall serve without compensation, but the voting members shall be reimbursed by the department of education for their actual and necessary expenses incurred in performing their official duties.

Sec. 3301.91. (A) The OhioReads council's responsibilities include, but are not limited to, the following:

(1) Advising and consenting to the superintendent of public instruction's appointments to the position of executive director of the OhioReads office;

(2) Evaluating the effectiveness of the OhioReads initiative established by this section and sections 3301.86 and 3301.87 of the Revised Code and conducting annual evaluations beginning in fiscal year 2002;

(3) Developing a strategic plan for identifying, recruiting, training, qualifying, and placing volunteers for the OhioReads initiative;

(4) Establishing guidelines for the awarding of classroom reading grants

under section 3301.86 of the Revised Code and community reading grants under section 3301.87 of the Revised Code, including eligibility criteria, grant amounts, purposes for which grants may be used, and administrative, programmatic, and reporting requirements;

(5) Awarding classroom reading grants and community reading grants to be paid by the OhioReads office under sections 3301.86 and 3301.87 of the Revised Code;

(6) Establishing guidelines for and overseeing the general responsibilities and mission of the executive director of the OhioReads office.

(B) In performing its duties, the council shall, to the extent practicable:

(1) Give primary consideration to the safety and well-being of children participating in the OhioReads initiative;

(2) Maximize the use of resources to improve reading outcomes, especially the fourth grade reading proficiency test established under division (A)(1) of section 3301.0710 of the Revised Code;

(3) Identify and maximize relevant federal and state resources to leverage OhioReads resources and related programs;

(4) Focus on early reading intervention strategies, professional development, and parental involvement;

(5) Give priority to programs recognized as promising educational practices for accelerating student achievement, including, but not limited to, programs primarily using volunteers and programs that may have been reviewed by the education commission of the states.

Sec. 3301.92. The OhioReads office shall provide the OhioReads council with staff, administrative support, and other resources requested by the council.

SECTION 2. That existing section 109.57 of the Revised Code is hereby repealed.

SECTION 3. (A) Sections 3301.90, 3301.91, and 3301.92 of the Revised Code are hereby repealed, effective July 1, 2004.

(B) The OhioReads Council is not subject to section 101.84 of the Revised Code. The Council expires on July 1, 2004, as provided in division (A) of this section, and not on the date otherwise prescribed by section 101.84 of the Revised Code.

(C) Not later than January 1, 2004, the Director of Budget and Management shall submit a written recommendation to the Governor, the

Speaker of the House of Representatives, and the President of the Senate of a governmental entity to assume the duties of the OhioReads Council beginning July 1, 2004, if the General Assembly does not continue the Council's existence.

SECTION 4. The OhioReads Council shall collaborate with the Department of Education and the Ohio Board of Regents to review the universities and colleges approved by the State Board of Education under section 3319.23 of the Revised Code for the preparation of teachers to determine the current capability of each to serve as a resource center to support the OhioReads Initiative. The review criteria may include, but need not be limited to, the following:

- (A) Developmentally appropriate practices used by faculty in pre-service and in-service education;

- (B) Knowledge of and experience with the recommendations of the National Reading Association and the National Association for the Education of Young Children;

- (C) Membership in literacy-related professional organizations;

- (D) Facility capacity to house the resource center;

- (E) Institutional support;

- (F) Electronic connectivity to the Ohio Education Computer Network;

- (G) Infrastructure to deliver video distance learning.

No later than January 1, 2000, the Council shall submit a report of its review and any recommendations to the Governor, the Speaker of the House of Representatives, the President of the Senate, the Chancellor of the Ohio Board of Regents, and the Superintendent of Public Instruction.

SECTION 5. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for this necessity is that its immediate enactment will permit an expeditious organization of the OhioReads Initiative so that it will be ready to help Ohio's children learn to read when the General Assembly appropriates the funding. Therefore, this act shall go into immediate effect.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

Am. Sub. H. B. No. 1

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____